

THE G. 292.

Right of the Archbishop

TO

CONTINUE or PROROGUE

THE

Whole Convocation:

Canterbury
Province of
Lower House of Convocation
Asserted in a *Second Letter*; by way of

R E P L Y

To a Pamphlet, Entitled, *The Power of the Lower-House of Convocation to Adjourn it self, &c.*

And also

To a late Book, Entitled, A NARRATIVE of the Proceedings of the Lower-House, &c. with the Publisher's Preface: As far as they relate to the Point of CONTINUATION.

L O N D O N,

Printed for Awnsham and John Churchill, at the Black-Swan in Paternoster-Row. 1701.

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An Attestation under the hand of a Publick-Notary,
concerning a Citation out of the Archiepiscopal Mandate,
mention'd in the 19th. Page of this Book.

W Hereas in a late Pamphlet, entitled *The Power of the Lower-House of Convocation to Adjourn it self, &c.* p. 4. col. 1, 2. there be these Words :

"A late Writer indeed (who even since he was made a
"Member of the Lower-House of Convocation, hath taken
"the Liberty, publickly in Print, to oppose the Powers and
"Practice of it) observes, That the Archbishop in his Mandate
"to the Bishop of London, for convening the other Bishops
"and Clergy of the Province, takes care to assert his due Au-
"thority of altering the Place and Time of Sitting, as he shall see
"Occasion [by the Words] *Compareant coram Nobis. &c.* in
"Eccl. Cath. D. Pauli Lond. (dicto die) cum Continuatione
"& Prorogatione Dier' extunc sequent' & Locor' si oporteat
"(Kennet Occas. Lett. p. 55.) That these Words carry no
"such Sense as this in them, I have shewn already, and the
"Producer of them might have known from several Forms of
"that very Mandate he vouches; wherein we find the Cath-
"edral and Diocesan Clergy commanded by the Archbishop to
"appear *per sufficientes Procuratores habentes in eâ parte Authorita-*
"*tem, Potestatem, & Mandatum sufficiens Continuationi & Pro-*
"*rogationi Dier' extunc sequent' & Locor', si oporteat, consenti-*
"*endi* — And then follows the Passage, *Compareant coram*
"*nobis, &c.* which Dr. Kennet Transcribes. From this Clause
"in the Mandate, thus Entirely and Fairly cited, it appears
"that the ordinary Adjournments of the two Houses of Con-
"vocation were no Despotick Acts of the Archbishop's
"Power, but to be exercis'd by common consent."

These are therefore to Certifie, that upon a careful Examination of the said Matters of Fact, I find as follows :

1. Dr. Kennet in the Margin, refers to two Mandates, to justify his Citation of the Clause *Compareant coram nobis, &c.* The first, bearing Date Nov. 27. 1562. is in Grindal's Register, while Bishop of London; the second, Dated Febr. 22. 1639. is enter'd at large in the Upper-House-book of 1640. and Printed by Dr. Nalson in his *Impartial Collections*, Vol. 1. p. 355. But there is not, either in the Manuscript or in the Printed Forms of the very Mandate Dr. Kennet vouches, any such Clause as that which the late Pamphlet mentions, *Per sufficientes Procuratores habentes in eâ parte Autoritatem, &c.*

2. As to the *several other Forms* of the Archiepiscopal Mandate; I have actually view'd seventy *Mandates*, recorded in the Registers of the Archbishop of Canterbury, and can find no one single Mandate containing any such Clause, or any Words to that effect.

Isa Testatur

Octob. 20th. 1701.

Th. Tylloct, Not. Pub.

AFTER the Author of the Answer had led his Reader to believe, That this Clause is not uncommon in the Archiepiscopal Mandates, That Dr. Kennet might have known so much from *several Forms of that very Mandate he Vouches*; and, That he did not therefore cite the Clause *entirely and fairly*; I could not do Justice, either to the Doctor or to the Cause I defend, but by this *Attestation* under the hand of a publick Notary. Which is a full proof, that Dr. Kennet's Citation was fair and entire; and that no such Clause belongs to the Archbishop's Mandate. The Forms, upon which I grounded my Assertion in the 19th. page, are the *same* with these, to which the Notary refers; but a *Legal* and more *Solemn* Testimony was necessary in this Case.

Tho' therefore the Writer of the Answer or any other Person, should, in the compass of 400. years, produce *one* Mandate with *some* such Clause, upon an extraordinary Occasion that may naturally account for it (any remarkable Contest, for Instance, between the *Papal* and *Metropolitica* Authority,) such a Mandate will be very far, either from justifying his *Affertions* and *Suggestions* upon this Head, or affecting the *Legal* and *Ordinary* Power of the Archbishop; as will in a little time be shown more at large.

If we suppose further (tho' the foregoing Certificate forbids such a Supposition) that this Clause were *Ordinarily* to be met with in the Mandates; the Authority thereof might bring in question the Archbishop's *Sole* Power of Continuing the Convocation, but would at the same time be a direct Proof *against* the new Claims of *Separate Adjournments* and *Intermediate Sessions*. For the Power thereby convey'd to the Lower Clergy, could be only the *Consenting* to Continuations; which very Consent would both suppose the whole Convocation to be *jointly* Continu'd, and prove that this Power of the Lower-Clergy could not be exerted, but when the Archbishop (who had commanded them to come up so empower'd) should propose to 'em, for their consent, a *general Continuation* of the whole Body.

THE CONTENTS.

T HE Lower-house made a more early Appeal to the world, than the Upper,	Page 1.
The Upper-house did their part towards an early accommodation,	3.
The Claim of Separate Adjournments, the cause of the Upper- house's requiring the attendance of the Clergy before they Sat,	ib.
Reasonings from the nature and notion of a House, absurd upon a Point of Power and Privilege,	5.
The Archbishop's Summons of a Convocation prov'd to be Authori- tative, 1. From the true explication of the Stat. 25. H. 8. c.	19. p. 9.—2ly. From the Archbishop's Mandate. p. 12. 3ly.
From the Bishop of London's Certificatorium p. 13.—4ly,	From the Returns of all the other Bishop's. p. 14.—5ly. From
the Holding of the Convocation,	15.
The Clause Cum Continuacione, &c. in the King's Writ; an ar- gument for the Archbishop's Power,	16.
The same Clause in the Archbishop's Mandate fairly cited by Dr, Kennet; and that other, implying the Clergy's right to Consent, no part of the Archiepiscopal Mandate,	19.
The Case of Ann of Cleve heard by Commission; as Dr. Atter- bury (in the Rights &c.) shows at large,	21.
Their argument from the Appointment of Committees, answer'd from an Instance particularly insisted on by Dr. At- terbury, in the Rights &c,	24.
The pretended Dangers from his Grace's Right to Continue, equally chargeable upon an Inherent Power in the Lower-house,	26.

The

The CONTENTS.

<i>The first Letter considers all the Instances giving colour to Separate Adjournments, that were taken notice of in the Report from their own Committee,</i>	Pag. 33.
<i>The rest, which the Answer adds, no proof of it,</i>	34.
<i>The Antiquity of the Schedule of Continuation, with the Form of it,</i>	39.
<i>The Clause Prælatorum & Cleri Provinciæ Cant. properly belongs to the Schedule,</i>	40.
<i>The title of President (mention'd in the Schedule) properly apply'd to the Archbishop, by me in the First Letter, and by Dr. Atterbury in his late Dedication,</i>	43.
<i>The words Convocatio, and Sacra Synodus Provincialis, without any addition, directly Include the Lower-Clergy</i>	44.
<i>Proofs, from several Forms of Continuing, that the Lower-Clergy are Included in the Continuations Above,</i>	47.
<i>The Schedule Sign'd and attested, is sent down to the Lower-house,</i>	57.
<i>The unreasonableness of doubting, whether the Prolocutor's Intimation given from thence, be an Intimation of his Grace's Act Above,</i>	57.
<i>This Account of the Schedule and Intimation, not weaken'd, 1. By the Prolocutor's pronouncing the Continuation p. 64. Nor 2. By the 7. Instances of Continuations Quoad hanc domum, p. 67. 3. Nor by the 2 Instances from the Minutes of 1661. p. 69. 4. Nor by the words In hunc locum,</i>	70.
<i>The Schedule, an Obligation upon the Clergy to attend at the Time,</i>	72.
<i>The Acknowledgments of that obligation, in their late Books,</i>	75.
<i>The inconsistency of such Acknowledgments, with their Claim of an Inherent Right to adjourn themselves,</i>	75.
<i>Their obligation to attend, can only arise from their being Included in the Schedule,</i>	76.
<i>Their Claim to Intermediate Sessions consider'd,</i>	78.
<i>No business pretended to have been done on Intermediate Days, but by express command or leave from the Archbishop,</i>	80.
<i>When the Clergy met to prepare business on Intermediate Days, they Sat as a Committee and not as a House,</i>	83.
<i>The Archbishop's Right to order Committees of the Lower-House,</i>	83.
<i>The Prolocutor usually at the Head of such Committees,</i>	88.
	The

The CONTENTS.

<i>The Lower-Clergy cannot Sit as a House, after the Archbishop's Schedule of Continuation is come down.</i>	Pag. 89
<i>The Instances of 1640. produc'd by the Narrative, no argument that they did Business as a House</i>	91
<i>The Minutes of 1640. of no Authority in Points of Form, Instances of their representing Matters as done by the Sole Authority of that House, which we are sure from the Books of the Upper-house, were only Executions of his Grace's Commands.</i>	95
<i>The Minutes of 1640. not attested,</i>	98
<i>Two Instances of Continuations to Intermediate Days, from Minutes of no better Authority; not to be regarded, in opposition to Establisht Practice,</i>	99
<i>The Author of the Answer's description of the Extracts in 1586, and 1588. contradictory to Dr. Atterbury's, whose property they are,</i>	99
<i>The Continuation from Dec. 19. to Dec. 23. clear'd,</i>	101
<i>The Continuation from May 5. to May 9, clear'd,</i>	105
<i>Dr. Heylin's Account defended,</i>	109
<i>The Reasonableness of lodging the Power of Continuing in the Archbishop,</i>	111, &c.
<i>The Suggestions of the Answer and Narrative concerning the Inconveniences and Dangers thereof, Answer'd,</i>	114, &c.
<i>The Power of the Archbishop as Metropolitan,</i>	118
<i>His Summoning-Power, as Metropolitan, prov'd from Dr. Atterbury, Rights, &c.</i>	119
<i>The Archbishop's Continuing Cum consensu Fratrum, makes no difference as to the Lower-House,</i>	121
<i>Dr. Kennet justify'd in his Inference from the Letter to the Primate of Poland,</i>	124
<i>The Archbishop's Power, as President of the Whole Convocation,</i>	125
<i>The true sense of the two Citations from Archbishop Parker and Bishop Hall,</i>	125
<i>The Silence of the Ancient Registers, an objection against the Claim of Separate Continuation,</i>	127
<i>The Judgment of the Old Convocation-Men, now living, of great Weight in this Matter,</i>	128
<i>His Account of the Springs of these Differences, particularly consider'd,</i>	131
<i>The License he complains of in 1689. brought to the Convocation by the Earl of Nottingham, and receiv'd by the Bishop of London,</i>	131
<i>The</i>	

The CONTENTS.

The Complaints of the Clergy's not Meeting, answer'd by the late Proceedings,	Pag. 131
The Malice of Resuming the Charge, already Answer'd, of a Design to drop the Writ for the Province of York,	132
The Upper-House falsely said to have all along differ'd in their Resolutions,	131
The Temper, &c. of the first Letter defended,	135
The first Letter defended against the Charge of Begging the Question, &c.	136
The Heads, upon which the present Contraversie chiefly depends,	137

Books Printed for Awnsham and John Churchill, in Defence of the Legal Constitution of English Convocations.

Eccelesiastical Synods, and Parliamentary Convocations in the Church of England, Historically Stated, and Justly Vindicated from the Misrepresentations of Mr. Atterbury. By *White Kennet, D.D.*

An Occasional Letter on the Subject of English Convocations. By the Author of *Ecclesiastical Synods and Parliamentary Convocations in the Church of England.*

A Letter to a Friend in the Country, concerning the Proceedings of the late Convocation.

A Vindication of the Authority of Christian Princes, over Ecclesiastical Synods. From the Exceptions made against it by Mr. Hill, and the Pretences of Divine Right, in his late Books on that Subject; and especially in his last, Entitled, *The Rights and Liberties of the Christian Church Asserted*. To which are added, some Letters that pass between Dr. Wake and him relating to that Controversie.

There will be shortly in the Press,

A Full Account of the Proceedings in the late Convocation; to correct the Misrepresentations, and supply the Defects of the late Narratives of the Proceedings of the Lower-House, and the Notes of the Publisher of it. To be Sold by *A. and J. Churchill.*

The Right of the Archbishop to Continue or Prorogue the Whole Convocation, asserted in a Second Letter, &c.

S I R,

I Doubt not but e'er this time you have seen a Pamphlet, in Answer to the *Letter* I sent you some Weeks ago, about the Proceedings of the late Convocation. To which, consisting only of a single Sheet, a *Reply* might have been made in a much shorter time, if the *Misrepresentations* had been so plain as the Author would insinuate. To put a plausible Colour upon a bad Cause, requires *Art* and *Invention*; but plain Truth is easily vindicated: And you are to ascribe it to that Advantage alone, that I am able to send you this early Account of a Pamphlet so much *larger*. Early, I say, considering how it was unavoidably retarded by the Publication of the late *Narrative*; the Particulars whereof (so far as they concern the Point of *Prorogations*) I have examin'd as they came in my way; leaving the rest to a better Hand.

For, of the four Heads contain'd in the *Letter*, the Author with whom my immediate Concern is, has enquir'd only into the first, that of *Prorogation* or *Continuation*. Nor do I desire to be otherwise *trusted* by you in the rest, than as it appears that what I sent you upon this, was written with Integrity and a due Examination of the Cause.

The first Thing he complains of, is, their Lordships *appealing to the World, and their having suffer'd a Vindication of their Proceedings and Pretensions to be made publick*: When yet it is more than he can know, and more therefore than he ought to have affirm'd, that the *Letter* was written by their Direction, that their Lordships were at all privy to it. In a Church that by its Principles and Constitution is oblig'd to so high a veneration for *Episcopacy*, I hope there will never be wanting men to interpose of *their own Accord* in Defence of the just Rights of it; such Rights more especially as appear, humanly speaking,

P. 1. col. 1.
It does
not appear
that the
Upper-
House ap-
peal'd to
the World.

speaking, so necessary to the *Being* and *Continuance* of an Episcopal Church. And after all the Endeavours that have been us'd, to lessen the Character and blemish the Conduct of our present Prelates, they have (God be thank'd) a sufficient share in the Esteem and Affections both of *Clergy* and *Laity*. For the more discerning part see through these Designs, and are ready to employ their utmost Abilities in a *Voluntary* Vindication of their Lordships Proceedings; as well out of regard to the Justice and Wisdom of them, as a true Honour for their Persons, and a grateful remembrance of what they did in the last Reign for the *Defence*, and have done in this for the *Honour* and *Service*, of our Church and Religion.

How necessary it was for the Upper House to vindicate themselves.

But suppose the *Letter*, or something to the same purpose, to have been publisht even in their Lordships *Name*; it had really been no more, than a *necessary* Vindication of themselves, against the written Papers that were industriously dispersed while the Convocation was sitting, and the Reports that would be much more effectually spread upon their retirement into the several Parts of the Province.

The Members of the Lower House, as they are much more numerous than my Lords the Bishops, so have they a more frequent and intimate Correspondence with their Fellow-Presbyters, and, by consequence, greater Opportunities of infusing what Opinions they please; in Matters (I mean) wholly new to the generality of the Nation. And considering with what Zeal and Vehemence the Archbishop and Bishops found themselves oppos'd, they could not hope that the Representations carry'd by the same Persons into the Country, would be for the Advantage of their Lordships: Who therefore, out of a due regard to the Honour of their Order and a laudable Care to preserve the good Opinion of their Clergy, might have been very well justify'd in putting into their Hands, *openly* and *publickly*, some such plain and short Account of the *Reasons* of their Proceedings: And this, without making an *Appeal* to the *World*, either so *early* or so *effectually*, as that part of the Clergy had done and were still doing by written *Accounts* and *verbal* Representations.

The *Narrative* since publisht is a sufficient Testimony of this: *Resuming* (say they Apr. 9.) the Consideration of our present Circumstances, we thought it proper to appoint a Committee to draw up an Account of the Proceedings of the Lower-House as

as they relate to the Dispute about Adjournments, together with the Reasons of them, for the Satisfaction of the Clergy of this Province. That Account makes the chief part of their Narrative; the Publisher whereof implies plainly enough that Copies of it were dispers'd into several Hands: I took the liberty of sending that Copy which was in my Hands to the Press: Pref. p. 3. And how many were in other Hands, we know not; as many, we may presume, as were necessary to answer the profess'd End of drawing it up, the Satisfaction of the Clergy of this Province. Not to mention, how some Archdeacons of that Opinion were pleas'd to make the Justification of the Lower House and the pretended Hardships put upon them by the Upper, a part of their Visitation Charge.

It is somewhat strange, to hear it suggested by this Author, That the Lower Clergy hop'd to see their Lordships convinc'd by farther Searches: When he could not but know how early the Upper House drew up the Reasons of their Claim in this very Point of Prorogation; and how they deliver'd it to the Prolocutor, to be considered by the Lower House: But they, instead of Answering these Reasons, or offering their own in order to convince their Lordships, did only pronounce them, in general, *Unsatisfactory*, and absolutely refus'd to return a particular Answer in Writing. Tho' 'tis obvious to the common Reason of Mankind, with how much greater clearness and advantage we transact Matters of such difficulty and attended with such a variety of Citations, in Writing than in Verbal Conferences. And it will be made appear from all the Acts of former Convocations, that my Lord Archbishop has an undoubted Right to require the Answers of the Clergy in the Form that he shall judge most convenient. The Upper House did their part towards an early Accommodation.

Had those of the Lower House, who carry'd themselves with such a seeming assurance of the goodness of their Cause, been so desirous of a quiet and peaceable Accommodation; they would have superseded their Lordships farther Enquiries, by producing those pretended Evidences that had wrought them up to such a degree of Conviction. Whereas, they were so far from doing this, that they rejected the Motion, when made by some of the Members of the Committee appointed for the Examination of their Lordships Reasons. And as you proceed in this Letter, you will discern how much it was their Wisdom, to desire that their Reasons might be offer'd in

Words; and not in *Writing*, which leaves room for such a mature Examination as they will by no means bear.

P. 1. c. 1.
Adjourn-
ments the
first Rise
of this
Dispute.

He accuses me of *Insincerity*, for taking no notice of that difference between the two Houses, concerning the Attendance of the Lower Clergy in the Upper House before their sitting; from which (he says) *the Dispute between the two Houses about the Power of Adjournment took its Rise*. Whereas, in truth, the point of Adjournment was the only cause of their Lordships making that other Claim. Several Members of the Lower House had insisted much upon their *Parliamentary Capacity*, and styl'd themselves the *Spiritual Commons*: They had enlarged upon the reasonableness of enjoying greater Privileges and Independencies in virtue of that Alliance to the Parliament, and declar'd more particularly their Resolution to assert a Right to Separate Prorogations. This was a warning to my Lord Archbishop and their Lordships, to be upon their guard; who knowing all these to be Innovations, and that his Grace had a right to require their presence in the Upper House at any time within the Synodical Hour, oblig'd them to appear there before they sat in their own; To put them in mind, that they were not such a *separate* Body as the *Commons* in Parliament, but were bound to move and act in Subordination to their Ecclesiastical Superiors. And as his Grace has a power to do this upon his general Right to oblige the Clergy to come before him as he sees Occasion; so the Notions into which many of them were falling (*viz.* their Alliance to the Parliament, their Resemblance with the House of Commons, and the new Privileges arising from thence) were a sufficient Reason why he should exercise his Authority, at that time and in that instance. Nor is the practice so unprecedented, as the Author of the Answer would make it. In the *Lower-House-Books*, indeed, the mention of a thing done *before* they sat as a House, cannot be expected; but in the Acts of the Upper House we frequently find the Bishops and Clergy together at the Opening of the Session. 'Tis true therefore what he says, That this *Obligation of the Lower Clergy to attend was never formally disclaim'd by the Bishops*, because they certainly knew that his Grace had a right upon occasion to require it. But their Lordships gave them an *early* Intimation, that they did not insist upon the *Exercise* thereof, otherwise than as it had an Influence upon the Point

Point of *Separate Continuations*. And accordingly after they had sufficiently asserted the *Right*, the words *Vulgo vocat. Jerusalem Chamber* (by which their appearance there was requir'd) were omitted in the Schedule of Prorogation. So that this matter being laid asleep and no longer a part of the Controversy, came not within my *design*, of sending you a short Account of the main Points that were then under debate. The Differences still depending, are a sufficient Unhappiness to our Church; and when they die (as we hope by degrees they will) it cannot be the desire of any good Man to see them reviv'd.

The *Answer* that I am now considering, infers a *Right* in the Lower Clergy to prorogue themselves, from their being Absurdity a *House*; and speaks much of the *Notion*, the *Nature*, and the of arguing Being of a *House*, and then tells us of certain Properties that from the must necessarily belong to it as a *House*; of which the right Nature and Notion of of *Separate Prorogation* is one. A *Metaphysical* way of arguing, *House*. that I took to be proper only upon Matters of a fixt and unchangeable Nature, and not by any means applicable to human Societies or *Constitutions* of any kind. Which in their Settlement depend upon the Pleasure of Men, and vary according to the Circumstances of Times, and are enlarg'd or abridg'd in *Powers*, *Privileges* and *Jurisdictions*, as the Legislative Authority shall judge necessary or convenient for attaining the Ends of their Constitution. The several *Corporations* of England are all *Corporations*; but that name has no such influence, as to hinder their being very different in *Constitution*, *Customs* and *Privileges*. Nor is it ever argued, that because one enjoys this or that Privilege, the other must immediately have a *Right* to it. So, the House of Commons, the Lower House of Convocation, the Houses of Convocation and Congregation in the two Universities, are all stil'd *Houses*; but yet each have their particular Privileges, and are govern'd in their Proceedings by such Rules and Methods as Statute or Custom has trac'd out to Each; and might (no doubt) enjoy those Privileges, and proceed in these Methods, as well under any other Names as that of a *House*. The manner of a Congregation in the University of Cambridge, is in many respects apposite to the present case: 'Tis summon'd by the Vice Chancellor, and consists of two Houses sitting and acting separately; but yet both are dismiss'd by the same single.

single Authority that call'd them. When therefore a Controversy arises either in *Houses, Corporations, or Societies* of any kind, about their respective Privileges, they are always determin'd by their *Constitution*, or by some *Law* relating to them, or by *Usage and Custom*; and the grounding a Right to particular Powers upon a *Name* and the *Notion* of that Name, is a Rule of Judging that was never heard of till this Author invented it.

The sense of a *House* in Convocation no way influenced by its meaning in Parliament.

But this Notion of a *House*, he tells us, is determin'd by the sense of the word in our *Parliament*, from whence, as he will have it, the distinction of the Convocation into two *Houses* was taken. There is indeed some resemblance in these two Constitutions; but the things in which the Convocation resembles a Parliament, are such as Reason and Necessity would naturally suggest to the Clergy, without the least Eye to the Proceedings of Parliament. The Inferior Clergy were oblig'd to give their Opinions and Resolutions in particular Cases refer'd to them by the Archbishop and Bishops; and this making it necessary to consider such Points among themselves, separately from the Bishops, they had a place of *Debate* assign'd them, under the Chapter-house in which the Bishops sat. Again, their *Resolutions* upon these Debates must depend on the number of Voices, and afterwards be reported to the Upper House; both which would naturally show them the necessity of choosing some one Person for those Purposes. And this they did, for a long time, *occasionally*; but by degrees came to be more *fixt* as to the Person; and at last were commanded by the Archbishop, at the beginning of every Convocation, to make choice of some one Person, who being *presented* to his Grace and so *admitted and approved*, might be their standing *Prolocutor* or *Referendarius*; so call'd from that his Office of reporting their Resolutions to the *Upper-House*. Now, these and the like Customs were not at all taken from the Model of our Parliament, but from their own Experience, that taught them the necessity of introducing and the convenience of continuing them. In the same manner that all other Societies, when they are commanded to give their Resolutions, always retire apart to deliberate, and then empower some one of their Number to Report in the name of the Rest.

But

But let us suppose that the *General Frame* of an English Convocation had been taken from that of a *Parliament*; yet must the Lower House of Convocation necessarily enjoy the same particular Powers and Privileges with the House of Commons? No, he owns, it is not necessary that the two Houses of Convocation must upon this bottom have exactly the same Rights and Privileges with those of Parliament. But why must they have *Some*, and not *All*? How comes their Alliance to a Parliament, and the Parliamentary sense of a *House*, to entitle them to one more than another? Yes, there are Rights and Privileges absolutely and indispensably necessary to the Being of such a House, and one of these is the Right of Adjournment. But who made it so absolutely and indispensably necessary? What Law or what authentick Writer has given us the Definition of a House, or told us with what Properties it must necessarily be vested? None in the World, besides this Author, who had a particular purpose to serve by it. As if the Convocation (supposing them to have imitated the Parliament in some things, which yet do's not appear) were not at liberty to admit the Usages thereof with such Limitations, as might make them agreeable to their own Constitution, and consistent with the Canonical Duty of the Clergy to their Metropolitan and Bishops: Or, as if the Limitations with which they adopted them, were not to be wholly judged of from the Proceedings subsequent thereupon. But if it must be a first Principle, that a House as such cannot be restrained or interrupted in any of its Debates, the consequence thereof will reach much further than this Point of *Separate Prorogations*. And I am afraid, that the Maxim was calculated for more Purposes than they are yet willing to declare. They have already complain'd in one of their publick Remonstrances, that the Prolocutor's being oblig'd to go up with all Messages to the Bishops, is a grievous Interruption to the Business of their House. And tho' 'tis certain that this was the Original and immediate End of that Office, and has accordingly been executed by him (and by none else whenever he was present) ever since they had a Prolocutor; yet upon this Principle they may over-rule the Authority of Custom, and urge that such Interruptions are inconsistent with the Nature and Notion of a House. So also, when the Archbishop and Bishops send up for the Lower Clergy, 'twill upon this Principle

[That

P.2. col.2.

Ibid.

He first makes the definition of a House, and then argues upon it.

Absurdities from his Argument about the Nature of a House.

[That as a House their Debates are to be *unrestrain'd* and *uninterrupted*] be a fair Answer, tho' against perpetual Usage, that they're in the middle of a Debate, and know not when they can come. Again, if the Upper House shall require them to consider any particular Business, and to return their Answer within a certain time; the same Principle will justify them, in telling their Lordships, that they have Business of their own upon their Hands, and therefore must be excus'd. In short, whenever the Presbyters in Convocation shall desire in any instance to be exempted from the Jurisdiction of their Metropolitan and Bishops, they need only supersede *Usage* and *Custom*, and desire this Author to graft the Privilege they plead for into his *nature* and *notion* of a *House*; and the Work is done.

I know not how far this refin'd way of Arguing from the *Rights, &c. nature* of a House, may please *speculative* Men; but Dr. Atterbury (who understands better Things) reproves one of his Adversaries for speaking of the *Existence* and *Essence* of an *Assembly*; and, to show how little they are to be regarded in these Matters, tells him, That *Metaphysical Speculations* ought to make no Quarrels among Friends. And in our Courts of Justice, I am apt to think, they would be reckoned somewhat impertinent. Could any of the Counsel in *Westminster-hall* be so trifling, as to offer at such airy Notions in a Point of *Power* or *Privilege*, the Learned Judges (I believe) would scarce suffer their time to be so uselessly spent; but would call upon them to produce the *Law* on which they founded their Claim, or their Evidences of *Custom* and *Practice*; and upon these alone determine the Case.

P. 2. c. 2. The Author of the Answer speaks of some of the Disputants upon this Subject, who being yet *Raw* in their Knowledge of Convocation-Matters, deny'd the Lower Clergy to be a *House*. And they must be *Raw* indeed, who could deny them a *Title* that the Registers of Convocation so frequently give 'em. But in truth they deny'd no more, than what (after a greater proficiency in Convocation-knowledge) they still deny, That the Lower Clergy are a *House* in his Notion of a *House*; that is, vested with such *Powers* and *Privileges*, as none of their Predecessors either enjoy'd or claim'd.

P. 3. c. 1. His next Argument for the Right of the Lower House to Continue themselves, is drawn from the *Authority* by which the

Con-

Convocation meet; for that (he says) is purely *Royal* since the Statute 25 *Hen. VIII. c. 19.* and therefore the Archbishop's share in convening them is no longer *Authoritative*, but *Ministerial* only. From whence he infers, That the two Houses of Convocation equally meeting by and acting under the *King's* Authority, must have a *separate Right* to prorogue themselves, till his Majesty by his Royal Writ shall think fit to interpose.

The Archbishop's Summons continues Authoritative, as before 25 *H. 8. c. 19.*

On the contrary, I shall show, that tho' the Archbishop is disabled by that Statute from summoning a Convocation at pleasure (which before the making thereof he had a Power to do, but now cannot without the King's Royal Writ;) yet, after he has received the Writ, he summons it as much by his own *Authority*, as he did before. The Statute affected the Archiepiscopal Power no otherwise than in a necessity of waiting for the Royal Writ, to empower him to proceed in the calling a Convocation after his usual manner. For,

I. When this Author affirms, That the Power which the King exercises in the Calling a Convocation, was transfer'd to the Crown by the 25 *Henry VIII.* he forgets that *before* this Statute the Archbishop frequently summon'd his Convocations upon the King's *Royal Writ*, fram'd in the same Words, issued in the same manner, executed with the same readiness, and recited in his Mandate to the Bishop of *London*, as at this Day. And therefore there was no occasion to give the King a *Power of Enjoining* the Archbishop to call a Convocation, because he had the Power *before* and was always obey'd. But the Archbishop also had a Power to summon the Clergy of his Province *without* that Writ, and King *Henry VIII.* finding a strong Disposition among the Clergy to oppose his new Measures, and being sensible withal how much their meeting and protesting against them in a Body would obstruct his Designs, saw it necessary to make himself the *sole* Judge, when it was fit that a Convocation should be call'd. Which Power he got into his Hands by that Statute, disabling the *Archbishop* from calling a Convocation without a previous intimation of the King's Pleasure, and moreover restraining the *whole Body of the Clergy* in their Acting, till his Royal License should set them at liberty. This was all that the Statute gave him, and indeed all that he needed. As for the Power of requiring the Archbishop to summon a Convocation whenever he saw it necessary, that

Not the Power of Summoning but of doing it solely, transfer'd to the Crown by that Statute.

P. 3. c. 1.

he had entirely before : And now upon the gaining this Act he was no longer under the fear of any ill Consequences from the Archbishop's exerting his *independent Power* of calling together his Provincial Clergy. This is the plain drift and meaning of the Statute ; which the Author of the Answer has artificially perverted to his own purpose. The Words of the Act (says he) are exprefs in the Cafe——*Which shall always be assembled by AUTHORITY of the King's Writ* : Where he would have the stress to lay on the Word *Authority*, as giving the King some Power that he had not before ; whereas he had all along enjoy'd and exercis'd the Power of Calling Convocations at pleasure. And therefore the only advantage convey'd to the Crown, is contain'd in the Word *ALWAYS*, which takes away the Archbishop's *independent Power* of Summoning, and makes the King *sole Judge* when it is proper that a Convocation be call'd. And as for the Word *Authority*, the extent and meaning of that is plainly enough determin'd by the last *Submission* of the Clergy upon which the Statute was founded. There, in the Case of *Calling* a Convocation, not the least mention is made of *Authority* ; but that it *must be assembled only by your high Commandment, or Writ*.——And again, *Unless your Highness by your Royal Assent shall License us to assemble our Convocation*.——Which makes it as plain as Words can exprefs, that the only advantage intended the King in that Branch of the Submission, was the putting the Archbishop under an *Inability* of Summoning his Convocation till the King's special License should be obtain'd. And therefore wherever the Word *Authority* is found in any Instrument with reference to the King's *Summoning* a Convocation, it must be interpreted in accommodation to the *design* and *intent* of the Statute from whence the Expression is taken.

No alteration in the Writs, Mandates, &c. upon that Statute.

II. If the Archbishop's Summons of a Convocation, which before the Statute was *Authoritative*, had been thereby made *Ministerial*, this must unavoidably have created great Alterations in the Writ, and in the manner of the Archbishop's executing it. Whereas the Form of the Writ, the several Steps in the execution of it, and all other Circumstances of the Summoning (bating that one, the Archbishop's calling it *without* the King's Writ) continue the very same that they were before the 25th of Henry VIII. And how little it has of the appearance of a *Ministerial Office*, is plain by comparing it with the form of the

the King's Royal Warrant for the summoning a *Parliament*, and the *Execution* thereof by the Lord Chancellor which is undoubtedly *Ministerial*. The Warrant directed to his Lordship runs thus :—— “ Whereas by Our Counsel, &c. [reciting his Resolution to call a Parliament]—— “ In which case, divers and sundry Writs are to be directed forthwith under Our Great Seal of England, &c. Wherefore We will and command you forthwith upon the Receipt hereof and by Warrant of the same, to cause such and so many Writs to be made and seal'd under Our Great Seal for the Accomplishment of the same, as in like Cases hath been heretofore us'd and accustom'd.” In pursuance whereof, the Writs are drawn up in the King's Name and seal'd under his Great Seal, and so transmitted to the Nobility, and Sheriffs of the several Counties. Whereby his Majesty requires the Nobility, *Quòd dicto die & loco intersitis nobiscum, &c.* And the Sheriffs, *Quòd de dicto Comitatu, &c. eligi, & eos ad dictum diem & locum venire faciatis—— Et electionem tuam in pleno Comitatu tuo factam distinctè & aperte sub sigillo tuo & sigillis eorum qui electioni illi interfuerint, nobis in Cancellariâ nostra ad diem & locum in Brevis contentum certifies indilate.* In all this, the Lord Chancellor has no share, but what is purely *Ministerial*.

But the Writ of Convocation directed to the Archbishop, The Writ as well as the Execution thereof, are quite of another strain of Summons to the Archbishop in a different Style from the Warrant to the Lord Chancellor who acts ministerially. and form.—— *Quibusdam arduis & urgentibus Negotiis, &c. vobis in fide & dilectione quibus nobis tenemini rogando Mandamus, quatenus premissis debito intuitu attentis & ponderatis, universos & singulos Episcopos, &c.——ad comparendum coram vobis in Ecclesia Cathedrali Sancti Pauli London. die——vel alibi prout melius expedire videritis, cum omni celeritate accommodatè modo debito convocari faciatis.* Here, the Archbishop is requir'd (in the self same words as he was before the 25th of Henry the Eight) to call his Clergy before himself, at the Place he shall please to appoint; without the least mention of Returns to be made, or any other Circumstance of the Method of his summoning; his Grace in all those Matters being wholly left to pursue the usual and stated Form before the making of that Act. Accordingly, now (in the same style and manner, as before the Statute he did) he issues out his Mandate directed to the Dean of his Province, the Lord Bishop

The Authoritative Style of the Archbishop's Mandate.

shop of London, in his own Name, and under his own *Archiepiscopal Seal*. In which he signifies the Reception of the King's Writ, and recites it; to show his *legal Right* to summon a Convocation, and his freedom from the Restraint of the Statute that has now disabled him from sending such a Mandate till *allow'd* by the Royal Writ. And then he proceeds in a *Form* that has been constantly used in all Citations, whether upon the King's Writ or his own independent Authority; such a Style as is not at all *Ministerial*, but purely *Authoritative*——— *Quocirca Fraternitati vestre committimus & mandamus, quatenus omnes & singulos Episcopos, &c. pre-emptorie citari & pramoneri volumus, quod iidem Episcopi, &c. compareant coram nobis vel nostro in hac parte locum-tenente sive Commissario*——— *Vos autem, venerabilis confrater, dictum Mandatum, quatenus Vos & Capitulum Ecclesie vestre Cathedralis ac Civitatem & Dioces. London. concernit exequi per omnia faciatis & eidem pareatis in omnibus cum effectu. Praterea (tenore presentium) vos Citamus quatenus eisdem die & loco coram nobis aut nostro in hac parte locum-tenente sive Commissario—Compareatis. Volumus insuper & mandamus, quatenus intimetis & denunciatis seu intimari & denunciari faciatis dicta Provincia nostra Cant. Coepiscopis, Decanis, &c. quod eos a personali comparitione in hujusmodi negotio Convocationis, &c. excusatos habere non intendimus ista vice nisi ex causa necessaria tunc & ibidem alleganda, & proponenda, & per nos approbanda, sed contumacia eorum qui absentes fuerint, Canonice punire. Et praterea vobis supra injungimus & mandamus, quod omnibus & singulis Coepiscopis, Suffraganeis Provincia nostra Cant. injungetis & injungi faciatis, ut singuli eorum Sigillatim de facto suo, quatenus pertinet ad eosdem, Nos, dictis die, hora & loco per literas eorum Patentes Nomina & Cognomina omnium & singulorum per eos respectu Citatorum continentes, distincte certificent & aperte. De die receptionis presentium, & quid in premissis feceritis Nos, &c. debite certificari curetis per Literas harum seriem una cum nominibus omnium & singulorum Episcoporum Provincia nostra Cant. Decanorum, Archidiaconorum, & caterorum Pralatorum vestra Dioces. in seperata Scheda literis certificat. annectend. completas.*

The Bishop of London's

This, surely, in the Archbishop's Name, and under Grace's own Hand and Seal, cannot be call'd a Ministerial Style; and much less will it be thought so, when compar-

with that of the Bishop of London's *Certificatorium*, signifying the Execution of it. *Reverendissimo, &c. N. permissione divina* London. *Episcopus omnimodam Reverentiam & Obedientiam tanto Reverendissimo Patri debitam cum honore; Literas vestras Reverendissimas Citatorias & Monitoriales jamdudum nobis sub sigillo vestro directas, cum ea qua decuit Reverentia humiliter recepimus* — *Quarum quidem Literarum vigoze pariter & auctoritate, Nos prefatus N. London. Episcopus omnes & singulos Confratres nostros, &c. peremptorie citari & pramoneri respectively fecimus— quod compareant coram Paternitate vestra Reverendissima, &c. die & loco in eisdem vestris literis Reverendissimis plenius specificat. & designat. Ulteriusque, Auctoritate & per receptionem literarum vestrarum Reverendissimarum Citatarum & Monitorialium predictarum, fatemur Nos prefatum N. London Episcopum antedict. peremptorie fore & esse citatum ad comparendum coram Reverendissima vestra Paternitate---Et nos eisdem literis vestris Reverendissimis hujusmodi, juxta bin formam & effectum earundem, debite parebimus. Intimavimus insuper & denunciavimus—quod eos a personali comparitione, &c. excusatos Reverendissima vestra Paternitas non habere intendit— Insuper quoque, ipsarum literarum vestrarum Reverendissimarum Vigore pariter & Auctoritate, omnibus & singulis Confratribus & Coepiscopis injunximus, quod singuli eorum sigillatim de facto suo, quatenus pertinet ad eosdem, Paternitatem vestram Reverendissimam per literas eorum Patentes, Nomina & cognomina omnium & singulorum per eos respectively citatorum Continentes, distincte certificent & aperte. Et nos praterea Vigore & Auctoritate predict. Decanum & Capitulum dicta Ecclesia nostra, &c. peremptorie citari fecimus, &c. quod compareant coram vobis, &c. secundum formam & tenorem supradictarum Literarum vestrarum Reverendissimarum, & ad effectum earundem— Et sic literas vestras Reverendissimas antedictas, quatenus ad nos attinet & in nobis est, summus executi.*

I have transcrib'd thus much of the Archbishop's Mandate and the Dean of the Province's *Certificatorium* or Return, to submit it to the Judgment of Persons learned in our Laws, Whether this look like a Ministerial Style? And whether they think that the learned Counsel of King Henry (when the Statute was made) and of our Kings and Queens ever since, would have been so negligent of the Royal Prerogative, as to suffer the Archbishop to claim, or the Dean of his Province to recognize such an Authority, had they believ'd the Arch-episcopal

Return
owns his
Execution
to be in
virtue of
his
Grace's
Authority

episcopal See to be further affected by that Statute, than in a *Restraint* from summoning a Convocation till empower'd thereunto by the King's Writ.

If this Author be not sensible of the Force of an Argument from *publick Instruments*, let Dr. *Atterbury* teach him their Authority; who says, that his Adversary had never mov'd to have the *Pramunientes*-Clause left out of the Royal Writ, however seemingly useless when not executed, *had he known in the least, how sacred those Forms are held by our Law, and of how great importance it is to the Constitution to preserve them.*

All Returns, made to the Archbishop and ultimately deposited in the Office of his See.
P. 3. c. 1.

III. In pursuance of that Clause in the Archbishop's Mandate, enjoining the Dean of the Province to notify that they are to send *Certificates* of the Names of the Persons cited and elected; every Bishop makes a formal *Return* of the Members of Convocation within his own Diocese: Which Returns being directed immediately to the *Archbishop*, are deliver'd to some Person substituted by his Grace to receive them in his Name; and deposited at last in his Principal Register's Office, *the proper Repository for the Convocation>Returns* (to use the words of the *Answer*) as the *Chancery* is for those of *Parliament*. Nor has any Member a right to sit or appear in Convocation, till such *Returns* are made to the Archbishop; who lodges them (where all his other Instruments are lodg'd) in the Office of his Register, as a standing Testimony of their Title to sit under that Character, and his *own* Right to require their Attendance; or (in default thereof) to proceed to Canonical Censures, as he always intimates, in his Mandate to the Dean of the Province, that he will do.

The Author of the *Answer* was aware, that these *Returns* made to the Archbishop, and thus ultimately deposited in an Office that for so many Ages has belong'd to his See; would be thought too plain a Presumption, that his Grace's Summons is *Authoritative* and not *Ministerial*. And therefore he would fain insinuate, either that this Office was made the Repository of the Returns upon the Passing of the Submission Act, or at least that the Archbishop thereupon lost his Interest and Authority in it. When, in truth, the Returns of Convocation have ever been deposited there; since the Reformation just as they

they were before, and in the self-same manner *after* the passing of that Act, as they us'd to be when the Archbishop summon'd his Convocations without the King's Writ. An evident Argument, that his Grace's Authority and Jurisdiction, whether in the *Office* to which the Returns are made or over the *Persons* return'd, is not at all diminish'd or in the least alter'd by the Statute we are now considering.

IV. I don't see what more is needful, to prove that as to the *Summoning* a Convocation, no change was made by the 25 of Henry VIII. except that one of the necessity of waiting for the Royal Writ; and that therefore the Archbishop's share therein (after the Writ is receiv'd) remains the very same as before the Statute, that is, *Authoritative*. Only, I would ask them this further Question; If that Statute devolv'd the Archbishop's Authority over his Convocation upon the Crown, and the Lower House was by that means so far deliver'd from the Jurisdiction of their Metropolitan as they would pretend; how came the Archbishop (without any regard to the Act) to proceed in the *holding* his Convocations with the same Exercise of Authority over them, that before this Statute he had done: To require them to chuse a Prolucutor, and then to present him for Confirmation; To send for the Lower Clergy either in a Body, or in such Numbers as he shall see Cause; To enjoin their Consideration of particular Business; To direct the choice of Committees for the dispatch of that Business; To prescribe the time within which they shall return their Answers; To determine the Right of Elections; To call over their Members; To give leave for absence, and to punish those that depart without leave, &c. How is such a Power over the Lower Clergy consistent with this *separate and co-ordinate* State, to which he would have the two Houses reduc'd by that Statute, under an equal and immediate influence of the King? If it gave such Exemptions to the Lower House as he would persuade us, the English Clergy (in his own decent way of expressing it) *have been sleeping over their Privileges* ever since the Reformation; and never happen'd to dream of this refin'd Scheme, which he has now contriv'd for the Enlargement of the present Members from the Authority of their Ecclesiastical Governors.

The Archbishop's Authority in the *holding* his Convocation when met, the same as before the Statute.

But

P. 3. c. 1.

But the Clergy knew very well that notwithstanding the Act, the Archbishop's Authority remain'd entire, bating that one Restraint from *calling them at pleasure*; and not being weary of their Canonical Obedience, they did not study Schemes of *evading* that Authority, but proceeded in their Business under the direction of their Metropolitan and Bishops, as they had ever done. And so, the Registers do not discover the least Variation upon the making of that Statute, either in the *Commands* of the Upper House or the *Obedience* of the Lower, either in the *Form* or in the *Language* of Convocation. For what he says of the Style *Convocatio sua* (which he would insinuate to have been laid aside by the Archbishop upon the *Passing* of that Act) it had indeed been us'd in the Forms of *Continuation*, but was chang'd long enough before that Statute was thought of. The Statute pass'd in the Year 1533; but even in the Convocation of 1486. (the last we have in the Old Registers) in sixteen Continuations 'tis not once said *Convocationem suam*, but *dictam*, *prædictam*, or *hujusmodi Convocationem*; the very Language, that is so familiar in our Registers ever since.

This Author is positive, that the Archbishop never call'd the Convocation *His*, since the Reformation; and yet he himself not many Pages after cites a Testimony of the contrary, out of Archbishop Parker's Speech to the Bishops and Clergy at the opening of a Convocation: *Synodus hac nostra, ut scitis, in duas Societates (quæ duobus Domiciliis, Superiori nempe & Inferiori) segregantur, divisa est.* And he might have seen, among the *Procuratorial* Letters printed by Dr. Atterbury, one in the Year 1588. constituting a Proxy *tam ad Parlamentum Illustrissimæ Principis Eliz. Domina nostra, &c. anno 31. ad civitatem Westmon. &c. inchoand. quàm ad Convocationem Cleri Reverendissimi in Christo Patris Joh. Cant. Archiep. prædicti in Ecclesia D. Pauli prædictâ fiend. & celebrand. cum continuatione, &c.*

The Author of the Answer has grounded several Consequences upon a Supposition of the Archbishop's *Ministerial* Authority; and that Foundation proving false, all that he has built upon it, falls of course: Particularly, that Right of *separate Continuation* (for which the Lower House is now contending) can have no Countenance from hence, since his Grace's share in *Summoning* the Convocation is so plainly *Authoritative*.
In

In the Letter, you know, I argue for the Archbishop's Right The
 of Continuing the *whole* Convocation, from that Clause in the *Clausecum*
Prorogation-Writ Cum Prorogatione & Continuatione locorum & Continua-
dierum prout convenit. But this the Author of the Answer *tione, &c.*
 thinks an Argument not proper to be us'd by those who con- an Argu-
 tend for a Right of Prorogation *originally* vested in his Grace. ment of
 But he forgets, how I had before asserted that *original Right* to his Grace's
 be vested in him, as the *Metropolitan* of his Province: And then Right to
 being to dispute with Men who desire an Exemption from his continue
 Grace's Authority upon their *immediate dependance on the whole*
King, and who were pleading for a separate Adjournment *Convoca-*
 while they sat by such a *Writ of Prorogation*; I take it to be a tion.
 proper Argument *against* them, that even upon the Supposi-
 tion of his Grace's having no *Original Right* to do it, yet he
 was empower'd by the *King* himself, and had upon that Ac-
 count a Right to be obey'd in his Continuation of the whole
 Body. I first asserted my own Principle, of his having an
original Right; and then without the Suspicion of quitting it,
 I could safely argue upon Theirs.

But this Author (who will have the King's Power of *Pro-* P. 3. c. 2.
rogation to be an immediate effect of his *Summoning* Authority,
 and both to be transferr'd to him by the 25 *Henry VIII. c. 19.*)
 has given a new turn to this Clause in the Writ of Proroga-
 tion, "That it conveys to each House *separately* a Right of
 "Continuing it self, and therefore industriously omits the
 "Authority by which the Continuations are made. A Con-
 struction, very suitable to his new Notion of a Co-ordinate
 Power in the two Houses, suppos'd to Commence upon the
 passing of that Act; but not at all agreeable to Truth and Mat-
 ter of Fact. The King (as this Author cannot but know)
 did frequently *Summon* Convocations, without interposing in
 the *Prorogation* of them; and that Union which he supposes
 between the two Writs could not be the effect of the *Submis-*
sion Act, because the King had *Prorogu'd* the Convocation
 by his Royal Writ before that was pass'd into an Act. *Anno*
1532. May 15. Upper-house Journal—Reverendissimus ostende-
bat quoddam breve Regium sibi directum pro Prorogatione hujusmodi
Convocationis: quod Breve idem Reverendissimus publicè legebat. Et
deinde perlegit Breve Regium antedictum coram Prelatis, & man-
davit Willielmo Potkyn ad intimand. dictam Prorogationem Prolo-
cutori. And the Clergy, in their Submission, pretend not to
 D give

give the King any *New Power* in this Point, but only to recognize the *Old*; not adding any Jurisdiction more than he enjoy'd before, but leaving him in the *sole Possession* of the Right of *Summoning* (and since this Author will have it so) of *Proroguing* at Pleasure by his Royal Writ.

The Continuing-
Clause not
in the
Commission
to pro-
rogate the
Parliament

However, he still contends, that the foremention'd Clause must refer equally to the *Upper* and *Lower House*; and not to the Archbishop, to whom 'tis *solely* and *immediately* directed. But perhaps he did not consider, that his Majesty, when he sends his Writ of Prorogation to the Archbishop, gives also a Commission to a certain number of the Nobility to Pro-
rogate the Parliament; in a Style truly *Ministerial*——

Dantes vobis plenam potestatem ad prasens Parliamentum nostrum nomine nostro prorogand. & continuand. Which Commission does not only omit the Clause we are now considering, but *industriously breaks off* at it, *ibidemque tunc tenend. & prosequend.* and there stops; where the Writ to the Archbishop goes on, *Unà cum Prorogatione & Continuatione Locorum & Dierum prout convenit.* Why is the Clause omitted in the one, and inserted in the other? For a very plain Reason; In the first it is omitted, as being directed to Persons who have no Right to Adjourn the Houses they Prorogue when they come to sit again upon that Prorogation, the Power of Adjourning being lodg'd in the Bodies *separately*. It is inserted in the Second, because the Person to whom 'tis directed, is known to have a Right, by ancient Usage, to Continue the two Houses (when they meet upon that Prorogation) from Place to Place, and Day to Day, till his Majesty shall further interpose; neither of the respective Bodies having any Right to a separate Continuation of it self. Which shows the fallacy of this Author's Reasoning, viz. "That *per vos sciendâ* or any such determining Expression, was not added, because the *intermediate Adjournment* " were to be made by each House apart. No, had that been the Point, the Clause would have been entirely left out, as it is in the Prorogation of *Parliament*, the two Houses whereof are known to Adjourn themselves *separately* in that manner. But here no such explanatory Words were at all necessary, because the Right to such intermediate Continuations as the Clause refers to, was always understood to be legally vested in the Archbishop, to whom the whole Writ is directed.

For, in truth, that Clause in the Writ of Prorogation is only an *Affirmance* of the Archbishop's ancient Right; and as such is taken and recited from his Grace's Mandate for the Summoning a Convocation, antecedent as well to that Writ as to the Clergy's separating into two Houses, *Quòd compareant coram nobis*——in *Ecclesia Cathedrali Divi Pauli London. die*——*cum Continuatione et Prorogatione dierum extunc sequen. et Locorum si oporteat, fiendâ.*

Dr. Kennet (whose Abilities are well known, and who, I doubt not, would be as hearty in vindicating any *just Rights* of the *Inferior Clergy*, as he now is in opposing what he takes to be Encroachments upon *Episcopacy*) hath asserted the Archbishop's Authority, from that Clause in his Grace's Mandate; and referr'd us to two Copies of it, in 1562, and 1640. But he is by this Author accus'd of *Disingenuity*, for omitting a Clause, which he says in *several Forms of that very Mandate the Doctor* vouches, immediately precedes the Passage he quotes. The omission complain'd of is a very material one in the present Point; no less than a Command of the Archbishop to the Cathedral and Diocesan Clergy to appear *per sufficientes Procuratores habentes in ea parte Autoritatem, potestatem, et mandatum sufficiens continuationi et prorogationi dierum extunc sequentium, et locorum si oporteat, consentiendi.*——If this be a part of the Archbishop's Mandate, the least it can imply is an *Inability* in his Grace to Continue the Convocation, without the concurrence of the Cathedral and Diocesan Clergy so empower'd. And this being of such immediate Importance in the Cause, the *Disingenuity* in the One or the Other must be inexcusable; In Dr. Kennet, if he omitted so material a Passage when he saw it in the Mandate; or in this Author if he cited from thence a favourable Clause that was never there. I have examin'd the two Mandates to which the Doctor refers in his Margin, and find the Passage *fairly* and *entirely* cited by him, but not one Syllable of this Author's Addition. And because it surpriz'd me upon the first Reading, and others (I found) had remarkt it as a Passage of some weight in the present Debate; I proceeded to consult great numbers of *Mandates*, both before and since the Reformation, while the two Houses were together and after their Separation, in the Acts of Convocation and in the Registers at *Doctor's Commons*; and in none can I find the least footstep of that Passage, which this Author

Occasional Letter,
p. 55.

Dr. Kennet cites this Clause of the Mandate truly.

P. 4. c. 2.

This Author's disingenuity in that Citation.

so confidently avers to be in several *Forms* of the Mandate. Nor does it seem possible that the Mandate should speak of further Continuations *dierum extunc sequentium et locorum*, before it hath specify'd the *Day* and *Place* of their meeting; to which the Words *extunc sequentium* should immediately refer, as Circumstances that had been already mention'd. Whereas, all these are in the Clause *Quod compareant*, &c. which you see comes *after* this Paragraph that he pretends to have seen in several Forms of the Mandate. When he was reprov'g Dr. Kennet, he should have acted the same fair part that the Doctor had done, and made distinct References to the *Mandates* he speaks of: Which we can hardly suppose he would have neglected in a Point of so great advantage to his Cause, if he had thought it safe to trust the Reader with a particular Knowledge and Examination of them.

The Clergy's consent to Continuations, never askt. P. 5. c. 1.

And it had been the more necessary to be *clear* and *particular* in this Point, to remove an Exception otherwise very obvious; which he obscurely hints in the following Paragraph, but is not willing that his Reader should apprehend the full force of it. After the opening of the Convocation, and before it be form'd into two distinct Houses, all the Clergy are *Continued* in a Body; and, besides the constant practice while the two Houses acted together, we have several modern Instances of the Lower Clergy's being in the Upper House when the *Continuations* were made. Now, if the Proctors were requir'd by the Archbishop to bring up such a Power of consenting, as this pretended Citation implies; why was their Consent never askt in these Cases? And why is there not the least implication of their Concurrence, either *express'd* or *suppos'd*, in the Schedule of Continuation? The consequence is too plain to be further press'd; and I shall have occasion to urge these Instances more particularly under another Head. In the meantime, I challenge this Author to produce any one Instance of such Continuations of the two Houses together, in which the consent of the Inferior Clergy was either askt or given. For, as to the Testimony that he cites from the Process against *Ann of Cleve*, he cannot but know (if he ever saw and perus'd it) that 'tis nothing to the purpose. The Case was heard and determin'd by the Archbishops of *Canterbury* and *York*, with several of the Bishops, Deans, Archdeacons, &c. out of both Provinces; the Clergy whereof were specially requir'd and empower'd

The Case of Ann of Cleve was heard by Commission.

to do it by a **Commission** under the Great Seal. They met *Cramm.*
 in the Chapter-House at *Westminster*; and the Archbishop's *Reg. p.*
 Official *Literas Commissionales Illustrissimi Domini Regis suo* 141. a.
magno Sigillo Sigillatas, Reverendissimis Patribus Cant. et Ebor.
Archiepiscopis, nec non Reverendis Patribus Episcopis, Decanis,
Archidiaconis, et Clero utriusque Provincia directas, tunc ibidem
presentavit: And these, *Onus Executionis dictarum literarum*
Commissionalium in se humiliter ob suam erga dictum Dominum
Regem obedientiam et devotionem debite assumpserunt et subierunt,
ac juxta earundem continentiam procedendum fore consenserunt et
decreverunt. Accordingly the Letters-Certificatory concern-
 ing the Nullity of the Marriage run thus: *Excellentissimo, &c.*
Thomas Cantuar. et Edwardus Ebor. Archiepiscopi, caterique Epis-
copi, et reliquus vestri regni Angliæ Clerus, auctoritate Literarum
Commissionalium vestre Majestatis congregati—Cum Nos, &c.
convocati et congregati sumus virtute Commissionis vestra magno
Sigillo vestro Sigillat.

Here, the *Archbishops, Bishops, and Clergy* are joined in the
 same Commission, and so the Inferior Clergy (in Virtue
 of that Commission) have a concurrent Power with their
 Metropolitans and Bishops in every Act throughout the whole
 Proceeding; by reason whereof no *Continuation* or *Prorogation*
 could be made but with the joint Consent of the whole
 Body. Not to mention, that tho' they had not acted by such
 a Commission, yet consisting of the Representatives of both
 Provinces, the Archbishop of *Canterbury* could have no such
 Jurisdiction over the Clergy of *York*, as he has over his own
 in his Provincial Convocations.

And our Author might have learn'd all this from Dr. *At-* Rights, &c.
terbury, who, tho' not on this very Occasion yet to serve P. 40.
 another purpose, insists largely upon it, That *this Cause was* &c.
adjudg'd, not in a Convocation properly so call'd, that is, in a
Provincial Synod; but in a National-Assembly of the whole
Clergy of either Province; the King issuing out his Letters Com-
missional under the Great Seal to the two Archbishops, all the Bi-
shops, Deans, Arch-deacons, and Clergy of England. The same
 Author adds, in the Margin, the very Time when the Com-
 mission was seal'd, and the Day of the Clergy's meeting by
 virtue of it: So that the Application thereof to an *English-*
Convocation, after the Light Dr. *Atterbury* had given, was
 an Imposture too open and barefac'd.

The

In Suppo-
sing the
Consent
of the
House,
he begs
the Que-
stion.

P. 5. c. 1.

The Sum
of the
Proofs for
his Grace's
Authorita-
tive Sum-
mons.

The Author of the *Answer*, who' he took care (as he had done before in the Case of the *Mandate*) to conceal the Place where this Authority was to be met with, could not but fear that the *Process* and his *unfair Application* of it would be discover'd: And knowing withal, that the Clergy were never askt to consent to any Continuation of a *Provincial Synod* or *Convocation*, he is at last driven to this precarious Supposition, that such Continuations *include* and *suppose the Consent of the Lower-Clergy*; which is a plain begging of the Question, and a way of Arguing that will entitle every Man to whatever Power he shall please to claim.

Our Author upon leaving this Head, is so kind to caution his Grace against the Penalties of the Statute 25 of *Henry the 8th*, c. 19. for undertaking to *continue* or *prorogue* the Convocation. But it will be time enough to consider how to avoid These, and other Consequences he has built upon a Supposition of his Grace's *Ministerial* Summons; when he has return'd a fair Answer to the several Arguments by which I have prov'd it to be *Authoritative*. The Sum whereof is this: That the Archbishop had formerly a Power to summon a Provincial Convocation at such Seasons as he thought convenient: That the King, at the same time, had a Power to *enjoin* his Summons of a Convocation when the Necessities of the State requir'd: That the Crown having such a Power and so frequently exercising it *before* the Submission of the Clergy and the Statute fram'd thereupon, could not be suppos'd to derive it from thence: That the Archbishop's summoning-power (which is confess'd to have been *Authoritative* before the 25 of *Henry the 8th*, c. 19.) was no otherwise affected thereby, than as he was wholly disabled from calling a Convocation before the Reception of the King's Writ or Licence: That as a Testimony of his Authority in all other Respects remaining entire, he proceeded to summon his Convocation in the same form and manner he had ever done: That his *Mandate* continued the very same, in a Style purely *Authoritative*; and was still issued in his own Name and under his own Archiepiscopal Seal: That the Lord Bishop of *London*, in his Certificate of the Execution of that *Mandate*, declares it in every particular to have been executed in *Virtue* of his Grace's *Authority*: That all Returns of Elections are still made to his *Grace*, and deposited (where they always have been)

been) in the Establish'd Office of his See: That he punishes or excuses the *Absence* of the Members of *both* Houses indifferently: And that in their sitting and proceeding he continued to exercise the same Instances of Power over his Convocation (particularly the Lower-Clergy) that he had exercis'd before the making of the Statute.

I cannot pass from this Point, without observing the strange Inconsistency of these Mens Principles, according to the particular Purposes they have in their Eye. When Dr. Wake asserts it to be a part of the Prince's Prerogative to summon Convocations when he shall think fit, he is severely corrected, for giving the King so much Authority, and betraying the Liberties of the Church, and putting it in the Prince's Power to destroy our Religion at pleasure. But when *they* would evade the Authority of their *Metropolitan* by transferring it to the Crown, then all the Power they can give the King is thought little enough, and there is no danger at all to Religion, nor are the Liberties of the Church in the least affected.

The inconsistency of these Mens Principles.

The several Instances of *Henry VIII.*'s interposing in Ecclesiastical Affairs, are horrible *Oppressions* of the Clergy, when Dr. Wake is to be confuted; but at another time we are not so much as to wish that the *Submission-Act* (the most lasting Hardship of all) were remov'd or alter'd in the least. And now we see the Reason of its being so sacred, because that Act (if their Interpretation of it would have held) was to settle the Lower House of Convocation in a Co-ordinate Power with the Upper; and if they had not taken timely care to give the Statute a greater Credit among the Clergy than it ever had before, the Proceedings that were to be founded upon it would have appear'd a strange *Defence* of the Rights of the Church. Nay, at the end of the very Book I am now considering (the Author whereof establishes the Legal Rights of the Lower-House upon the Statute of *Submission*) is Mr. Hill, after his solemn Protestations against the Act and all its Adherents, plac'd among the Writers that have joyn'd with him in the *Defence of English Convocations*. 'Tis very strange, how Principles so directly opposite should concur in supporting the Liberties of the *same* Church and the Rights of the *same* Convocation, which Rights and Liberties don't seem to be perfectly secure in this Writer's Account,

count, till he have got a *Church*, without either *Metropolitan* or *Bishops*.

Appoint-
ing Com-
mittees to
sit in the
Interval,
no Argu-
ment of a
Power to
Continue.

Reg.
Bourch.
fol. 17. b.

III. Another sort of Argument by which he would prove the Power of Adjournments to be in the Lower-House, is from the sitting of Committees by the *sole Authority* of the House, in the *Intervals* of its Sessions. Which Committees, he says, could not have sat, but that the Body it self might have sat if it had pleas'd; and produces a Precedent in Parliament to justify it. I will not now dispute with him about the Right either of *appointing Committees*, or of *refusing to appoint them* when requir'd by the Archbishop; because there may be a more proper Occasion to set these in a true Light: Nor will I intermeddle in the Usages of *Parliament*, which are sacred Things, and not to be apply'd without Presumption to any other Body or Society of Men. The *Convocation*, particularly, I take to be govern'd by the Usage and Practice of its own Body; and therefore from the Records thereof I will produce a famous Instance of a *Committee*, that by the special Appointment of Convocation, met, and acted, after the Dissolution thereof; and this he may please at his Leisure to reconcile to his new Hypothesis. It is in the Acts of a Convocation in 1481. April 12. The Archbishop conferr'd with the Bishops, Prelats, and Clergy, about a Subsidy to the King and another to the Pope. The same day a Subsidy to the King was granted: *Et deinde quod Festum Paschæ ita prope erat, quod prefati Pralati et Clerus nisi à Curis suis sibi commissis se in dicto Festo absentarent, tempus aut spatium propter locorum distantias non habuerunt ad communicandum et providendum pro Subsidio Domino nostro Papa habendo; ideo ordinatum est et statutum per hanc Convocationem et ipsius auctoritate quod prefatus Reverendissimus Pater——atque sex Episcopi, sex Abbates, et sex alii Pralati, nec-non tres Decani, sex Archidiaconi et Cleri Procuratores sex——quos Archiepiscopus ad id duxerit nominandos——simul conveniant, de quodam Subsidio, &c. simul tractaturi, et post diligentem superinde habitam deliberationem rationabile subsidium, &c. concessuri. Ad quæ omnia et singula facienda, &c. facultas ipsis per hanc Convocationem et ejus auctoritate plena potestas conceditur. Ita quod quicquid per eos in hac parte actum, gestum, conclusum, statutum seu determinatum fuerit, firmiter et inviolabiliter observetur: ac perinde in omnibus et*

per

per omnia robur et firmitatem obtineat, ac si per præfatum Archiepiscopum, ceterosque Prælatos et Clerum dictæ Provinciæ in præfenti Convocatione ante dissolutionem ejusdem actum, gestum, conclusum, seu determinatum fuisset. *Et tunc sæpeditus Reverendissimus in Christo pater commisit potestatem venerabili Fratri suo Thomæ London. Episcopo dictam Convocationem suam dissolvendi*—— Upon which, the Bishop *Die Luna*, viz. xvi. die *Mensis Aprilis eam*, Auctoritate sibi ut præfertur commissa, dissolvit.——The Committee met accordingly, June 5. and after several Meetings, without any final Resolution, the Business was remitted to the next Convocation.

Here, we have a sitting Committee, not only order'd by the Convocation who had no power in themselves to have sat at that time if they had pleas'd, but appointed also upon a Supposition and Assurance that they should be immediately dissolv'd by the Archbishop; as in fact they were in four days after by his Commissioner the Bishop of London. Which (as to the Convocation at least) is directly contrary to his general Rule in the Appointment of Committees, and so destroys his Argument, founded upon that Rule, for the separate Continuations of the Lower-House.

In which Testimony I have the greater Confidence, because I find it urg'd by Dr. Atterbury to the same purpose, against an Adversary, who was proving the King's Power in the Affairs of Convocation, from his Appointment of a Committee to examine the Rites and Ceremonies of the Church, in the Intervals of Sessions. Against which the Doctor's Plea is, that this Committee was appointed and met *Ex mandato Convocationis*: And, *The Matters to be discuss'd, requiring ripe and mature Deliberation, were not rashly to be defin'd, nor restrain'd to this present Session, or any Session of Parliament: As they must have been, if they had been consider'd only in Convocation, which then sat and rose always within a few days of the Parliament.* That Instance was in Henry VIII.'s Time, after the passing of the Submission-Act; and Dr. Atterbury, in his Appendix, warrants the Practice as agreeable to the Rules of Convocation from this very Citation out of Archbishop Bourchier's Register: *They had* (says he) *a famous old Precedent of such a Committee of both Houses of Convocation, acting by its Appointment and Authority in the Intervals of its Session:* And this he calls, in the last Page of his Book, *The Grand Committee of*

P. 189. 3
App. p.
612.
2 Ed.

Convocation. This Author therefore, by persisting in that Argument (drawn from an Inability in the Convocation to appoint Committees to sit and act at times when they themselves could not have sat and acted) is sure to be censur'd by so great a Patron of Convocation-Privileges, for destroying one of the Powers that Antiquity has given, and He confirm'd to it.

The Dan-
gers of
trusting
the Power
of Con-
tinuing in
one hand,
all arg'd
from Re-
publican
Princi-
ples.
P. 5. c. 2.

IV. He proceeds to reckon up the *Mischievous Consequences* attending this Supposition, " That the Archbishop has a " Right to Continue the two Houses: " A Consideration, as I take it, altogether Foreign to the present Difference, which depends entirely upon *Right* and not *Convenience*, upon what *has been*, and not what *may be*: Unless, despairing of Success upon the Foundation of *Right* and *Custom*, he think to carry his Point by a Change in our *Constitution*. Whenever he sets that design a-foot, and is to prepare the Members of Parliament, the Republican Books against *Monarchy* will furnish him with proper Suggestions concerning the Mischief and Danger of *Power* entrusted in the Hands of *one* Man. And they will need no other Answer, than what the Friends of *Monarchy* have always return'd, That a Trust must ultimately be lodg'd somewhere, and is attended with more Advantages and fewer Inconveniencies in *one* Hand than in many. This particularly of Continuing the whole Convocation, should seem to be safe enough in the Hands of the Archbishop; who, we are sure, was in the possession of it for many Ages together *before* the Reformation; and yet in all that time we do not find it complain'd of either by *King* or *Clergy*, nor attended with any of those frightful Consequences that he suggests: But, on the contrary, a good means of preserving *Order* in the Convocation, and of dispatching all such Business, as either the King recommended or the Bishops saw necessary for the good of the Church, with *quickness* and *unanimity*.

The con-
sequences,
equally
chargeable
upon an
Inherent
Power in
the Lower
House.

But he observes, that a Power in his Grace to *Continue* at pleasure, is greater than the Crown it self ever practis'd, which prorogues or adjourns the Convocation with the Parliament *only*. This is no very friendly supposition to the King's *Prerogative*; but shows however that the Author, as fond as he would seem of *Enlarging* the Royal Power to procure an Exemption from his Ecclesiastical Superiors, is yet willing,

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willing enough to *contract* it in all other Particulars. But to omit that Point, would not a *separate Power of Continuing* at Pleasure in the Lower-House be for the very same Reason a Power superior to that of the Crown, *which prorogues with the Parliament only*? And would not the Lower-House, by this Scheme (to use his own Words) have it in their power to quash even these intermediate Sessions, and to prevent the Dispatch of all manner of Business? For they can adjourn themselves to what distant day they please, and when they are re-assembled can dismiss themselves again as soon as they please; and thus they are possess'd of an Authority which can defeat the very End of the Assembly and the Intention of the King's Summons. The Inconveniencies of a Power to Continue at pleasure, conclude as strongly against the Lower House as against the Archbishop. For though they do not, in virtue of that Power, carry the Continuations beyond their own House; yet that, join'd to a Right of Continuing to what distance they please, may effectually defeat the ends of the Assembly and the Intention of the King's Summons; which can only be answer'd by the mutual Consultations and Resolutions of the two Houses. If the Lower-House have a power in themselves to Continue at pleasure, and exert that power in a long Continuation; are not the ends of the Assembly as effectually defeated, as if there were no Assembly at all?

If it be said, that the present Lower-House have always attended when the Upper-House sat, the Reply is obvious, That we are not reasoning upon what they *have* done, but what by their New Principles they *may* do. The Principle being once establisht, the Scene may open by degrees, and the Benefits of it be claim'd *occasionally*, as there are Designs and Purposes depending that require their Assistance. The Lower-House of Convocation have in their Practices gone further already than any of their Predecessors, but yet not near so far as this Author's Principles will carry them. For if their being summon'd by the Authority of the King, and their *Inherent Right*, give them a separate Power to Continue themselves; that Power is *general* and gives them a Right to judge of the *length or shortness* of their Continuations; that is, to Continue as well for a Month as a Day. And this, without the least regard to the Prorogations of the Upper-House; from the Authority whereof (according to these Principles) they are entirely disengaged in Law by the Statute of Submission. For that, they

p. 5. c. 2.

We are to reason upon Principles and not Practices only.

say, brings the two Houses (at least in the Point of *Continuations*) to act equally in an immediate Subordination to the King, without any mutual Correspondence with each Other. And it was partly out of an Affection to this Principle and the Consequences of it, that from the beginning they contended so earnestly for the Authority of an *obscure Instance*, in which the Lower-House Continued to a day *beyond* the Archbishop's Prorogation, and so left his Grace and his Suffragans to sit alone.

I know, they make a *show* of quitting this part of the Claim, in their Narrative; but at the same time, they assert their *Inherent Power of Adjourning themselves*, and the Authority of this very *Precedent* for their title to Intermediate Days; without telling us, why that Power and this Precedent will not justify them in Continuations to Days, as well *beyond* as *within* the Archbishop's. And so the Concession means no more than this, That they are willing, for some secret Reasons, not to extend their Claims at present, as far as their Principles would go, and as they or their Successors may be able to carry them upon a fairer Opportunity. Nor shall I, in my future Reasonings, otherwise regard this seeming Concession, than as it shows the Incoherence of their new Scheme, without giving the least Security to the Rights of the Upper-House, while Principles are kept that make it revocable at pleasure.

To proceed therefore upon their *Principles*: Of the *Ends* of a Convocation's assembling mention'd by this Author, which is it, that is not as much defeated by this Power in the *Lower House*, as in the *Archbishop*? If they will Continue to very distant days, and to days different from the Archbishop's Prorogation, or when they come together on the same day will immediately Continue again (as by this *Inherent Right* they may do) is not the Business of Convocation entirely at a stand? Unless, instead of preparing Business (which they are bound in Duty to do as directed by the Archbishop and Bishops) they will expect that the Upper House should be preparing Matters for their *Concurrence* and *Assent*; in hopes that at their next meeting they may please to suspend their *Inherent Right* of Continuing till their Lordships can bring it down. To argue therefore in his own Words, and to put the *Lower House* in the *Archbishop's* place: *An Authority, which the Constitution cannot be suppos'd to have lodg'd in the Lower House, as carrying in it too*

great a Check upon the Royal Supremacy, and giving those that are invested with it a power of legally destroying the Constitution it self, that is, of rendring it useles and impracticable as far as Synods are concerned. So that when any future Prince shall arise, who hath thoughts of subverting our Church-Establishment (of Abolishing Episcopacy for the purpose) and knows that the first and largest step towards it, is by suppressing Convocations; he hath nothing to do for the attainment of this end, but only to get a leading Party in the Lower House, who shall be ready to exert their *Adjourning-power* as directed, and by that means to prevent all Opposition that may arise from the *United Counsels of the Clergy* to the new measures and models intended.

I do not see how the bare *suspending* of Business in Convocation, is the first or the largest Step towards the destruction of a Church, already establish'd by the Laws of the Land, govern'd by her standing Courts, and settled in the Regular Administration of her own Canons and Constitutions. But how much soever the Church may suffer for want of the *United Counsels of the Clergy*, 'tis plain that the Claim of *separate Adjournments* in the Lower House puts it entirely in their Power to *dissolve that Union*; whenever they shall be won over by a Prince or stirr'd up by a popular Faction, to break off all Correspondence with their Metropolitan and Bishops.

But there are other Consequences much more near and direct, and such as would exceedingly become the Consideration of a Clergy, asserting *Episcopacy* to be of Divine Institution, and the chief Government of the Church to be committed to the *Bishops* by Christ and his Apostles, as an Order distinct from and superior to *Presbyters*. This Principle of a separate Right to Continue (as fram'd upon a Misrepresentation of the *Submission-Act*) evidently introduces a *Co-ordinate* Power of *Presbyters* with their Bishops in Synodical Matters; justifying them in the *Denial* of their *Counsel* and *Assistance*, to which the *Bishops* have ever had an undoubted Right. Then, it naturally tends to divide their *Consultations* and *Interests*, breaks that mutual *Knowledge* and *Confidence* by which the whole Body must be supported, and prepares us for a State of *Presbytery* by making all Instances of Submission to be Acts of *Choice* and not of *Duty*: For no Synodical Duty can be requir'd, but when they are sitting concurrently with their Bishops in a Synodical Manner; and by this Principle, they are at liberty to put themselves at pleasure into an *Unsynodical* State.

The mischiefs to an Episcopal Church, from the separate Right they claim

I do not say, That this Doctrin was fram'd with an immediate Eye to such Exemptions, much less that the Maintainers of it would *take* all the Advantages of *Independence* that it will give them. But these Men are not to live for ever; and as there formerly *was*, so hereafter there *may* be a Generation, whose Interest or Inclination it may prove to *Abolish* Episcopacy; and they will be glad to find Principles so favourable to the Designs of *Presbytery*, ready fram'd to their Hands, and recommended by the Authority of Persons professing themselves to be *Episcopal* Divines.

If they plead, in this and other Cases, that the *Laws* and *Customs* of the Nation have entitl'd them to larger Privileges, than in their bare *Ecclesiastical* Capacity they could claim; I am far from denying them any just Advantages that either Statute or Custom will afford. On the contrary, I look upon the present Controversy to depend wholly upon the Statutes of the Land, and the particular *Usages* of *Convocation*. But then it should (methinks) be remember'd by every *Clergy-Man*, that the true Notion of maintaining the *Rights* of our Ecclesiastical Constitution, has always been to *desire* at least the *Primitive* Patterns of Discipline and Government, and to *adhere* to them as far as the Laws of the Land would permit. But to *study* ways of removing us to a *greater distance* from the purest Ages, and to *strain* Statutes to such Interpretations as may destroy or diminish the Ecclesiastical Power; this is a Method of *asserting the Liberties of the Church*, that our Forefathers never understood.

r. p. 38.
d Ed.

r. p. 11.

Dr. Atterbury says well, if this had been the *Occasion* of his saying it: *Could such a fine Point be made out, yet surely it does not become Clergymen to help it forward. Let us leave that dirty Work to be done by the profess'd Enemies of Religion and the Order; but let not the Hands of Levi be employ'd in it.* And in another place, *Those Divines, who read Lessons to Princes, how to strain their Ecclesiastical Power to the utmost, &c. are not surely the best Men of their Order. They are Church-Empsons and Dudleys.*—*Were all that Dr. W. says strictly true and justifiable, yet whether the laboring the Point so heartily as he does, and shewing himself so willing to prove the Church to have no Rights and Privileges, be a very decent part in a Clergyman, I leave his Friends to consider.*

Thus far I have gone along with him in what he calls his *General Reasonings*; and have shown on the one Hand, that the
pre-

present Claim to *separate Continuations* is not in the least Warranted from his nice Speculations about the *Notion* of a House ; and on the other, that the Archbishop's Power over his Convocations was no otherwise affected by the Statute of *Henry VIII.* than in an *Inability* to Call them without the King's leave : Which being obtain'd, his Grace's Summons, with all the Consequences of it, is now as plainly *Authoritative*, as before the making of that Statute.

His next Argument arises from the *Forms and Methods of Adjournments* practis'd in the *Lower House* of Convocation. To which I must desire him to add, as one part of the *Practice* very considerable in the present Case, that such *Adjournments* in the *Lower House* are made upon a *Schedule of Continuation* sent down from the Upper. For this is one Fallacy that runs through his Reasonings upon the Forms of *Continuation* : He represents them, as *declar'd* in the *Lower House* ; and the Actuaries (who were taking short Minutes) not having express'd the *Authority* by which they were made, he will have that Declaration in their House, an Argument that the Authority could be no other than from the House. But his Reader, (lest he should know from whence it sprang) is not to understand, That a *Schedule* was sent from the Upper House, sign'd by the Archbishop, and giving notice to the Prolocutor that He had Continu'd the Convocation to a certain *Time and Place* : That upon this Schedule the Lower Clergy were Continu'd to the same Time and Place ; and, That these *Forms* of Adjournment in the Lower House, upon which he insists, were taken from the *Language* of that very Schedule. All these will be explain'd at large, as we descend to the Particulars ; but it was necessary, at our first entrance upon that kind of Proof, to give the Reader this general Light, which our Author artificially enough conceal'd, that he might with less Suspicion mislead him.

In representing the Forms of *Continuation* upon the Books of the *Lower House*, he has been highly disingenuous. ' The Phrase (says he) of the Lower House Book in 1586. to express the Continuations of that House frequently is, *Dominus Prolocutor Continuavit hujusmodi Convocationem quoad hanc domum, &c.* particularly in the 3d, 4th, 5th, 6th, 9th, 10th, and 11th Sessions we meet with it. Would not any Man imagin, from his particularizing these, that the Journal afforded several more of the same kind ? And yet there is not one more to be found either in

Ans. p. 6.
c. 1.
The Schedule of Continuation sent down.

Ans. p. 6.
c. 1, 2.
This Author very disingenuous in representing the Forms of Continuation.

P. 8. c. 2. in that or any other Book. Again, when he says, the Phrase frequently is, &c. and afterwards, The Continuation of the Prolocutor which we so often there meet with,—he need not fear but his Reader will apprehend from thence, that this is at least the Ordinary Style of that Book: But he himself knows in his Conscience, that the contrary is true. For thus it is: The Book where these seven Instances are found, is the only exact and particular Account that remains of any Proceedings in the Lower House. It contains the Acts of two Convocations (in 1586 and 1588.) enter'd at large under the Titles of the respective Sessions; with a formal Attestation to the Acts of every day by one or more publick Notaries. In that of 1586. there are XXIV. Continuations; seven of which are, *Dominus Prolocutor Continuavit hujusmodi Convocationem quoad hanc Domum*; and these shall be accounted for in their proper place. But the remaining seventeen in that Convocation, and nineteen in the other of 1588. were not for his purpose; being in a Style that evidently implies the Archbishop's Command, signify'd by the Schedule; *Dominus Prolocutor intimabit, or significabit, omnibus presentibus, hujusmodi Convocationem esse Continuatam, or, Continuationem hujus Convocationis esse factam.*—*Quibus intimatum fuit hujusmodi Convocationem de mandato et voluntate Reverendissimi Patris Domini Cant. Archiepiscopi esse continuandam.*—*Dominus Episcopus London. vigore Commissionis sibi in ea parte facta, Continuavit hujusmodi Convocationem usq; &c. Quam Continuationem Dominus Prolocutor intimabit omnibus presentibus*—Not to mention those Continuations of the Lower House, that were made by an express Deputation of the Archbishop to his Vicar-General; which, as well as the foregoing Instances, will be largely insisted on in their proper place, as evidently opposite to that new Notion of *Adjournments by the Power of the House* independent of the Archbishop. But here they are produc'd only as a Specimen of the *Honesty* and *Integrity* of this Writer, who could force from his Pen an Insinuation, that the *quoad hanc domum*, repeated in seven Continuations only, is so ordinary and frequent, in a Book where there are thirty six other Forms, not only different, but directly overthrowing the Notion he would build upon his seven: And this, with him, was a good Reason why both the number and force of 'em should be conceal'd.

The other Accounts of Proceedings in the Lower House, are some short and obscure Minutes taken in the two Convocations of 1640. and that which begun in 1661. The Committee appointed

pointed by the Lower House to inspect the Registers upon this very point, made a Report of all the Passages they could meet with in those three, that might seem to favour their Claim of an Inherent Right to separate Continuations. The Particulars they produc'd to that purpose out of these two Minute-Books, were thus.

Adjournment by the Prolocutor personally.

Sess. May 8. 1640. Lower House Book.

Sess. Nov. 28. 1640. *ibid.*

Sess. Mar. 21. 1677. & Apr. 17. 1678. *ib.*

By Deputy.

May 2. 1640. *ibid.*

With Consent of the House.

Sess. May 2. 1640. *ibid.* Sess. prox. *ibid.*

Convocatio incept. Nov. 4. 1640. *passim.*

Intimations.

Minutes, 1661. *passim.*

To a different day.

Sess. May 8. 1640. both Books collated.

Sess. 12. Dec. 19. 1640. both Books, *ut supra.*

In hunc locum.

Sess. 2. Upper House Book collated with

Sess. 3. Lower House Book.

April 17. & 23. 1640.

St. Pauls and Lambeth.

Sess. 10. 1586. Sess. 8, 9. 1588.

This is the Account Reported out of the Minutes, by their own Committee: And when I come to Answer their Arguments for a separate Continuation, it shall be shown in every particular, that either they are miscited, or misapply'd, and the *Credit* of the Minutes (against the exact Registers of 1586. and 1588.) will also be fully consider'd: At present, I produce the Report, only in my own Vindication, against his Charge of my having conceal'd the Strength of their Cause, as lodg'd in these Minutes.

To the Instances of *Domini Continuantes*, you know I return'd a general Answer from their *Concurrence* with the Continuations of the Upper House in point of *Time*; and you will see in the proper place, that these *Domini* were really a Committee appointed by the Archbishop to determine certain differences about *Elections*, and the Passages therefore can be no Testimony of *Continuations by the consent of the House*, the purpose for which they are urg'd.

But he accuses me for omitting many Passages very material to the Pretensions of the Lower House. As, First, The Expression in 1640. *Dominus Prolocutor continuavit ulteriorem Sessionem.* Which I did omit, because I knew, no such Expression was there; or, if the *Cont.* so abbreviated must refer to the Prolocutor, that this Instance also would come under my General Argument from the *Concurrence of Time*. Secondly, He wonders how I could overlook the remarkable Adjournment of *March 14. 1677.* and says, that the Entry being made

Ans. p. 6. c. 2.

Many Instances produced, that are no arguments for their Cause.

Ans. p. 8.

in c. 1.

Ans. p. 6.
c. 2.

in a small Hand, I might perhaps be unwilling to *strain my Eyes*. But others will wonder as much how *their own Committee* could overlook it; some of whom had certainly *Eyes* good enough, and did not want Zeal to *strain* them to the utmost in any Discovery that might be serviceable to the Claim of *Separate Prorogations*. But, in truth, both they and I (and perhaps this Author too) knew very well, that the Instance was foreign to the Purpose; being a Continuation made immediately upon their *Choice* of a Prolocutor (that is, before *He* was confirm'd and *They* were properly a *House*;) And the time of their next meeting was expressly determin'd before by the Archbishop, who had according to Custom (upon their Retirement to the Choice) requir'd them to present him upon a *certain day*. If this Instance prov'd any thing, it would prove too much, That they have not only that Inherent Power as a *House*, but *before* they become a House. Thirdly, I am further blam'd for the Omission of those Forms of Continuation in 1640. *Sessio fuit prorogata.* and in 1661. *Continuata est Convocatio, Continuata est Synodus, Continuatur, prorogatur, prorogatio fit, facta fuit prorogatio.* 'Tis true, these Forms of Continuation are very numerous in the Minutes of 1661. And this Author (conscious that his other Instances might fail him, and that being so few they might on that account appear contemptible in the Comparison) resolv'd to force over these to his Party, and so make up in show at least, what he wanted in real strength. But whatever be the *Guilt* of my Omission of these in numbring their Evidences of a Right to *Separate Adjournment*; it will fall equally upon their own Committee. For they have not taken the least notice of these in their *Report*; and will therefore be more obnoxious to the Censure of the House, than I can be to his, for concealing so many testimonies of this *Inherent Right*. But how could they or any Man living, fix upon these as Testimonies on either side of the Question, *Where the Power of Continuation is lodg'd?* when there is not in any one of 'em the least Intimation of the *Power* by which they were Continued? The Actuary took only short Minutes, and the *Schedule* of Continuation, sent down from the Archbishop or his Commissary, made it plain enough by whose *Authority* it was done; and so 'twas sufficient for him to set down the *time* from whence, and the *day* and *hour* to which they were Continu'd. But it is very observable, that from their first Meeting in *May* 1661. to the last of *July* (while there was Business depending, and the Actuary was employ'd

employ'd on the Spot, and noted the Particulars that pass'd) In 1661. the Continuations are more fully express'd in the Style of Adjournments by 1586 and 1588. *Dominus Prolocutor intimavit continuationem, Dominus intimavit Prorogationem esse factam, Nihil actum fuit sed Intimatio Domini Prolocutoris Continuationem esse factam.* So that this Author should not have assur'd his Reader, that in these Minutes there is not a single form of Adjournment which mentions the Archbishop's Authority as intervening, and but few that can fairly be constru'd any ways to imply it: The Expression *Prolocutor intimavit*, &c. being a clear Evidence of the Archbishop's intervening in such Continuations; as shall be demonstrated by and by, in my Explication of the word *Intimavit*; upon which, and the true Sense of the Schedule sent down by his Grace, this whole Controversy in effect turns.

But he says, the Adjournments by *Intimation* are few, in respect of those alledg'd, meaning the Forms, *Continuata est Convocatio, Continuatur, Prorogatur*, and the other general Expressions. But these of themselves can have no influence on either side of the Cause: For what ground has he to argue from any of those Expressions, that the House continued *it self* by an *Inherent Power*; when there is in none of them the least Intimation by what *Power* the Continuations were made? Yes, that the *Continuata est Convocatio*, to such a time and place, must refer meerly to the Continuation made Below, and not at all to that Above, 'is plain from the title of each Day's Act, 'which is drawn in this or the like manner, *In loco predicto, inter horas predictas, presente Notario predicto*, and therefore 'confines the Account of what is afterwards said to be done 'on that day, to the Room where the Lower Clergy sat, and 'where their Actuary was present. I grant, it does so; but it does not confine *More* than what is afterwards said to be done on that day, to the Room where the Lower Clergy sat. The Entry which the Actuary makes, is a Declaration that the Convocation is Continued to such a day; and this the title confines to the Room where the Lower Clergy sat, and where the Declaration was certainly made. But the title cannot confine Things to be done in that Room, which the subsequent Entry makes no mention of, I mean the *Power* by which it was Continu'd. This Author cannot but know, that the *Titles* are enter'd with much more Solemnity in their own Act-Books of 1586 and 1588. *Die Mercurii, &c. 1588. secundum, &c. in quodam sacello ex parte Septentrionali Ecclesie Collegiate Divi Petri*

Ans. ibid.
The Power of the Lower-House infer'd by him from Instances not expressing Power.
Ibid.

Westm. in presentia Johannis Coston & mei Thoma Barker Notariorum Publicorum assumpt. &c. inter horas præassignat. But it does not follow from hence, that whatever passes that day in the House, must be done by the Power of the House. To wave many other things which are evidently *Executions* of the Archbishop's Command; there are several *Continuations*, made in the *Lower-House* under that title, which yet we are sure were Intimated, not by Order of the House, but *juxta decretum Reverendissimi Archiepiscopi*.

Ibid.

Adjournments by Intimation suppose the Archbishop's Power.

Ans. p. 8. c. 2.

It will be said, that in these Instances of 1661. no such mention is made of the Archbishop's *intervening* Power. Nor is any mention made of the Power of the *Lower-House*. For it is one of this Author's Fallacies, that these short Forms of Continuing, imply as much 'as if one should say, in plain English, *The House adjourn'd,*' insinuating that the *Lower-House* adjourn'd *separately*, and that such Adjournments were made by the Power of the House it self: When the natural Construction of the words, is, *The Convocation is adjourn'd, It is Continued, a Prorogation is made:* Which it was natural for the Actuary to set down, upon hearing the Prolocutor intimate from the Archbishop's Schedule that his Grace had Continued the Convocation to such a day. Tho' therefore no *Continuing Authority* is express'd, yet the *Archbishop's* is clearly enough imply'd, by interpreting these *General* Forms according to the known Usage of Convocation, and other *Continuations* the Forms whereof are *particularly* enter'd in exact and authentick Journals. Unless we will comply this Author's new way of tracing out the true import of doubtful Expressions, by interpreting *exact Journals* and *Entries* fully made with all the *Circumstances*, in accommodation to the Sense he is pleas'd to put upon short *Minutes* and obscure *Hints*. For his Reasonings in the chief parts of the Cause, have really no better foundation. In the short Minutes of 1640 and 1661 (taken only for the Assistance of the Memory as to the *Substance* of what pass'd) there are many *doubtful* and *general* Expressions which he strains into a Sense suitable to his design: And when 'tis objected, that such an Interpretation is utterly inconsistent with the wording of the same Matters in the exact Journals of 1586. and 1588. his Answer is ready, that the Words of the Journal (how direct and express soever) must be interpreted in congruity to the Sense which he has thought fit (for the Service of his Cause) to give the Ambiguous Expressions in the Minutes.

Thus,

Thus, the Instances from the Registers giving colour to the Claim of the Lower-House, appear to be no more than those few, reported by the Committee, and consider'd by me in my former Letter; as they shall be more at large in this. But I thought it necessary to set this Matter right in the first place, not only in justice to my Self and the Cause, but to the worthy Members of the *Committee* also, who having over-look'd a number of Instances that in his Account are such evident Advantages to their new Claim, might (upon that Supposition) be suspected either of a secret Enmity to the Privileges of their House, or of a want of Sagacity to see where the Advantages lay.

This Author, in all his Accounts of the Continuations in the Lower-House, has industriously abstracted them from any Relation to what is done in that Matter by the *Upper*. Which would be a very fair way, if the Controversy were *simply* about the several *Forms* of *Declaring* the Continuation in the Lower-House: but when the Question is, 'Whether or no the Inferior Clergy be Continued by the *Archbishop*?' certainly the first Step to a clear understanding of that Point, is a true State of the *Intercourse* between the Archbishop and the Lower-House in this Business of Continuations, according to the known and established Methods of Convocation: As, What kind of *Notice* is sent down by his Grace, and in what words it is express'd? What is the *End* or *Design* of his sending it down, and what is done in the Lower-House pursuant thereunto? These, one would imagine, should be the first and most natural Enquiries in a Debate concerning the Archbishop's Power to Continue the Lower-House; but a fair Representation of these would have discover'd all his Glosses and forc'd Interpretations. And because the doing so ill-an Office to a Cause that must be carry'd on, is too ungrateful a work to one who is resolv'd to maintain it, I will ease him of that trouble, and undertake it for him.

The Archbishop in his Mandate to the Dean of the Province, enjoyns him to summon the Bishops and Clergy to appear before him on a certain day; and further to acquaint them, that their Attendance will not only be necessary *that* day, but upon such *Prorogations* also as the Nature of the Business may require---
Quod compareant coram nobis die, &c. cum continuatione & prorogatione dierum extunc sequentium & locorum (si oporteat) fiendâ.

The Convocation being met, his Grace explains to them the Occasions of his Calling them—*Reverendissimus ad Episcopos & Clerum tunc presentes Causam sui Adventus ac dicta Convocationis*

The Author's Art in concealing the History of the Schedule of Continuations.

The first Method of Continuations.

Forma Convoc.

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tionis inchoata exponit. After which, he commands the Inferior Clergy to go to the Lower House and put themselves in a condition of entering upon the Business so recommended, by the Choice of a Prolocutor to moderate their Debates, *Ut is intellectis & scrutatis Caterorum omnium votis, tanquam unum eorum omnium Os & Organum loquatur & consonam eorum Sententiam, cum ad hoc rogatus seu missus fuerit, ceteris silentibus, fideliter referat.* The Prolocutor being confirm'd and approv'd, Reverendissimus (si placeat) exponere solet ulterius beneplacitum suum, hortando Clerum, ut de rebus communibus qua reformatione indigeant consultant & referant die Statuto. Ac ad hunc modum de Sessione in Sessionem continuabitur Convocatio, quamdiu expedire videbitur, ac donec de eadem dissolvenda Breve Regium eidem Reverendissimo presentetur.

Ibid.

Ibid.

The Schedule of Continuation.

When the Convocation comes to sit, and the Business of that Day is over, the Archbishop consults with his Suffragans about a convenient Day to which they may Continue for the further prosecution of the Business before them: And that being adjusted, a *Schedule of Continuation* is deliver'd by the Register to his Grace, who either by Himself or his Deputy, publicly reads, and afterwards signs it: And that Reading and Signing is formally attested by a Publick Notary; which is altogether unnecessary to any Purposes in the *Upper House*. The *Attestation* therefore could originally be intended only to give the Lower House (to the Prolocutor whereof it is immediately sent, to be by him *Intimated* to the House) a legal Assurance that it is the Archbishop's Act, and to acquaint them what they are to do in pursuance of it.

The Antiquity of the Schedule.

I know not certainly how long such Schedules have been us'd in Convocation; but believe that they came in, when it began to be less usual for the Lower Clergy to stay with the Bishops in the Upper House throughout the Debates, and so to be present there at the time of his Grace's Continuation. We find it directly mention'd as a formal Instrument in the Extracts out of the Upper-House-Registers of 1529. Sess. 2. *Et sic cominuavit, &c. cum verbis in scriptis, quod scriptum ibidem sequitur.* Sess. 10. *Quod fecit in scriptis ut ibidem;* and so in Sess. 11, 12, 13. &c. But more expressly in 1532. Nov. 5. *Item inscribitur tenor Continuations sive Prorogations in diem Martis prox.* referring to the Original Register where it was enter'd at length, and which he is all along abridging. In the Convocation of 1562. (the Register whereof is preserv'd entire)

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(ire) the Archbishop's Declaration of the Day and Hour to which the *præsens Convocatio* or *sacra Synodus* was Continu'd, is generally follow'd with these Words, *Prout in Scheda per eum lecta tenorem subscript. in se complecten. plenius continetur* : *Cuius quidem Scheda verus tenor sequitur in hæc Verba*, In Dei nomine, Amen. But all these Schedules of a more ancient Date were consum'd in the Fire of London; and the eldest now remaining is that of the Bishop of Rochester, as Commissary to Archbishop Sheldon, in the year 1670. which I will insert at large, to give you a clearer Idea as well of the Form, as of the Solemnity with which his Grace's Act is transmitted to the Lower House.

IN Dei Nomine, Amen. *Nos Johannes permissione Divina Roffensis Episcopus, Reverendissimi in Christo Patris ac Domini Domini Gilberti, providentia Divina Cantuariensis Archiepiscopi, totius Angliæ Primatis & Metropolitanæ, præsentis sacre Synodi sive Convocationis Prælatorum & Cleri Cantuariensis Provincia Præsidentis sive Locumtenentis Commissarius sive Substitutus sufficienter & legitime fulcitus, rite procedentes, PRÆSENTEM SACRAM SYNODUM SIVE CONVOCATIONEM PRÆLATORUM ET CLERI CANTUARIENSIS PROVINCIÆ* alias usq; ad & in hos diem, horam, & locum, Continuata & Prorogata; nec non omnia & singula Certificatoria hætenus introducta & introducenda & non introducta, in eodem statu quo nunc sunt, usque ad et in diem Sabbati, vicesimum quintum videlicet diem instantis mensis Februarii inter horas octavam et duodecimam antemeridianas ejusdem diei, ad hunc locum, una cum ulteriori Continuatione dierum et locorum (si oporteat) in ea parte fiendis, CONTINUAMUS & PROROGAMUS in hiis scriptis.

Veneris die decimo Februarii juxta, &c.
1670. In Capella Regis Henrici Septimi in Collegiata Ecclesia Sancti Petri Westm. lecta & subscripta fuit hæc Scheda præsentem me Francisco Mundy notario publico.

Joh. Roffen.

The present difference, as to the point of *Prorogation*, depends chiefly upon the meaning and extent of a Clause in this Schedule, that one would think could not well be improv'd into a Matter of Controversie. The Clause is, *Præsentem sacram Synodum sive Convocationem Prælatorum et Cleri Cantuariensis Provincia*; and the Question arising upon it in the present Debate, is thus: Whether this Expression include as well the *Inferior Clergy*.

The Lower Clergy plainly included in the Schedule.

The latent reserve of *Quoad hanc domum*, an Evasion. Nar. p. 40. P. 3. Pref.

The Clause *Prælati & Clerici*, &c. rightly inserted in the Schedule.

Clergy as the Bishops? And as a consequence, Whether by this Act of the Archbishop, the *Lower House* be really Continu'd, upon an Authentick Signification thereof in the *Schedule* that is immediately sent down? This is now made a Question; and yet if the Archbishop or his Commissary had study'd for an Expression that might clearly comprehend the Bishops and Clergy, *i. e.* both the *Upper* and the *Lower House* of Convocation; I don't see what Words they could have found to do it more effectually. And as to that Evasion by which the Answer would disengage the Lower Clergy from any concern in this and the like Expressions, That there is a *tacit condition* and a *latent reserve* of the Words *Quoad hanc domum* to determine it to the Bishops alone; this is such a precarious Supposition, as seldom falls from Writers till their Point begins to be desperate. Accordingly, this is not the only Difficulty out of which He has deliver'd himself by that *latent reserve*; nor is He the only Person to whom it has been a Refuge in Cases of great Danger and Extremity. For I find it made so in a Book entitl'd, *The Narrative of the Proceedings of the Lower House of Convocation*, &c. publisht under their Name, but not by their Order or with their Knowledge: So that a Confutation of the Errors thereof, as they come in my way and concern this Point of *Prorogation*, cannot be interpreted a Reflection upon any of the Members of that Body; who, upon a *Review*, in a full *Synodical Meeting* (for in such it was never read or consider'd) might possibly have chang'd their Minds in several Particulars; had not the indiscreet Editor, presuming upon their consent, depriv'd them of that Advantage by his unwarrantable haste. The Passage to which I just now referr'd (as an Instance of their taking the benefit of these serviceable Suppositions) is in the 40th Page, and will be fully consider'd in its proper place. At present, I will only say, That 'tis impossible for the Upper House to produce any Testimonies, tho' never so advantageous to their Cause, which that *latent reserve* of *Quoad hanc domum* shall not immediately turn into a direct Argument for the Lower.

The Author of the Answer is pleas'd to grant, That the Application of it in this Case may possibly be thought too hard; and therefore thinks, *That the Clause Prælatorum & Cleri Provincia Cantuariensis was put in there by the mistake of Mr. Mund* the drawer of the *Schedule*, who appears to have been a Man utterly unacquainted with Forms of that kind, and unable to word them

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skilfully. And to make that Conjecture pass the more easily, he tells us of certain Faults that appear in a *hundred succeeding ones* drawn by the same Hand. This Author never wants a hard Word for a Writer or Record that is against him: But it so happens, that Mr. *Mundy's* unskilfulness in general, or the Errors committed in the 100 Schedules that succeed, are no Prejudice to this: And that for a very plain Reason, because neither this, nor several others of the same Form that immediately follow it in the Years 1671. and 1672. were of *his* drawing; being in a quite different Hand, as much more fair and distinct than his, as is the Journal of 1586. and 1588. than the Minutes of *forty* and *sixty* one. In this Instrument (whoever drew it) it may be a slip of the Pen to ascribe the Title of *Locum-tenens* to the Archbishop instead of his Commissary; but that of *Præsident*, as apply'd to his Grace, is far from being an Argument of *unskilfulness*, much less an Objection against the accuracy of the Instrument in other parts. The Author of the *Answer* may affirm as confidently as he pleases, *Ans. p. 17. c. 2.* That they who talk of a *PRESIDENT*, and his Rights as such, *President,* do not seem to understand the Word; and, That the Archbishop hath of the proper Title late been unaccurately call'd the President of the Convocation. of the Archbishop in Convocation. But he might have known, that Dr. *Atterbury* (who, I dare say, is no *unaccurate* Writer, in this Author's Opinion) styles the two Archbishops, *Presidents of the Convocations of Canterbury and York*, in the very Title of a late Dedication to their Graces. Or, if this do not convince, it will quickly appear from more proper Authorities, on which side the Ignorance lies; on Dr. *Atterbury's* and mine, or on this Author's.

Anno 1428. initio Decembris, *Coram Domino tunc in eodem Concilio Præsidente*; and again, *Nos in hoc nostro Provinciali Concilio Præsidentes*——Nov. 12. 1433. *Præsident dictus Reverendissimus Pater in domo Capitulari supra-dictâ*——Nov. 17. 1433. *Præsidente Domino Reverendissimo Patre*——Nov. 20. 1433. *Archiepiscopus Præsident personaliter*——Nov. 21. *Archiepiscopus Præsident*——Dec. 5. ejusdem Anni, *Reverendissimus Pater Præsident*——Dec. 10. *Reverendissimo Patre Præsidente*——with other Instances in the same Convocation.——And so, Nov. 17. 1428. *Ordinavit & deputavit Præsidentes loco sui*; and again in December, *Ad Præsidentum nomine suo Concilio Provinciali*——Ann. 1529. *Self. Reverendissimus pro Tribunali sedens, deputavit, &c. inibi Præli-* tend. vice & nomine suis. In the K.'s Proclamation before the Canons of 1640. the Archbishops of *Cant. and York* are styl'd *Presi-* dents of the Convocations of their respective Provinces, consisting

of Bishops, Deans, Arch-deacons, &c.——In the Convocation of 1640. under Archbishop *Laud*, nothing is more ordinary in the Register of the Upper-House, than *Reverendissimus Dominus Præses*, and *Reverendissimus Pater Præses*, and *Dominus Gulielmus Cant. Archiepiscopus Præses hujus sacra Synodi Provincialis*.——And in all the Continuations that are made by Commission from his Grace, the Bishop deputed for that purpose is call'd *Commissarius*, but never *Præses*; because (strictly speaking) that Title belongs to the Archbishop alone, and where the Acts of Convocation ascribe it to the *Commissary*, it is for the Reason assign'd in some of the foregoing Citations, viz. because he does *presidere* vice, nomine & loco *Archiepiscopi*.——It was therefore ignorantly said by this Author, That the Title of *President* as apply'd to the Archbishop, is wholly new, and unknown to all elder Convocations: And Dr. *Atterbury*'s remarkable use of it (which he could not but know) was a fair warning to Enquire at least whether it might not have some foundation in Antiquity: The rather, because the Doctor is not suspected of *Partiality* to the Power of our Metropolitans in Convocation, and could not therefore be presum'd to give them any Title of *Authority*, to which they had not an *uncontested* Right.

But tho' we should suppose this Title to have been first us'd under Archbishop *Laud*, and so continu'd upon the Restoration; even thus much would be enough to show that this Schedule, which he endeavours to discredit because it makes against him, was penn'd *skilfully*, according to the Language of Convocation at that time. Particularly, the Clause that gives the Offence [*Praetorum & Cleri Prov. Cant.*] as it stands in that Continuation by his Grace's Commissary, appears to be proper, from a *Substitution* made by Archbishop *Laud* in 1640. (and no other is extant between that Year and 1670. in which the Schedule was made.) There, his Grace constitutes the Bishops of *Glocester* and *Oxford* *ad interessendum & presidendum vice, loco, & auctoritate suis in sacra Synodo sive Convocatione Praetorum & Cleri Cant. Provinciae atque hujusmodi Convocationem sive sacram Synodum Provinciale continuand. & prorogand.* Our Author therefore might have sav'd his Conjecture about the *Occasion* of a Mistake, that never was committed; tho' the *Occasion* of his is pretty evident, the undertaking to Judge of the *Language* of Registers, before he had search'd them. He believes, That Mr. *Mundy* being at loss for a Form, light unluckily upon one where the Bishop of London as Commissary to the Dean and Chapter of *Canterbury*

P. 18. c. 1.
No mistake arising from a Schedule upon the Royal Writ.

P. 19. c. 1.
No mistake arising from a Schedule upon the Royal Writ.

did by *Virtue of a Royal-Writ*, Prorogue the whole Convocation; for with these Circumstances, the Schedule and all the 'Terms of it strictly agree.' But I believe it will puzzle him to find that Commission to Preside in Convocation, in which the Dean and Chapter formally style themselves *Præsidentis* or *Locum-tenens*.

Nor does the Person so construed style himself in the Schedules *Commissarius Præsidentis sive Locum-tenentis* (according to this Author's Supposition,) but *Venerabilium Virorum Decani & Capituli Ecclesie Cathedralis & Metropolitana Cant.* *Commissarius sive Substitutus*, as in the Schedule of 1677. or, *Sacra Synodi Provincialis sive Convocationis Prælatorum & Cleri Cant. Provincia Præfæs*, as in those of 1689. during the Vacancy of the Archbishopal See. His Conjecture therefore rais'd upon that Supposition, is frivolous and against the Language of the Schedule in those Cases: As, in saying that the Schedule Mr. Mundy unluckily light upon was no *ordinary* Continuation, but made upon the *Royal-Writ*, he takes that for granted which was the Circumstance most necessary to be prov'd. For how could Mr. Mundy or any Man else confound these two Schedules, when Continuations upon the *Royal-Writ* are so expressly *distinguish'd* from his Grace's, by the Clause *juxta tenorem Brevis Regii*, or *virtute Brevis Regii*? And yet the Suspicion he would bring upon the Clause *Prælatorum & Cleri*, &c. rests only upon a possibility of the Actuary's taking from thence, by mistake, the Form of an *ordinary* Continuation: And tho' that were granted (without the least ground to suppose it, but as 'tis a present Service to his Cause) how would it follow, from his *finding* the Words in a Continuation upon the *Royal-Writ* he *unluckily light upon*, that he would not have found them also in an *ordinary* Schedule if he had more *luckily light upon* that.

But this Clause in the Schedule (he says) is no Argument p. 18. c. 1, 2 that the Lower Clergy are Included in the Archbishop's Prorogation, 'because the Adjournments in the House of Peers have for 200 Years last past been in like manner enter'd upon their Books, *Dominus Cancellarius continuavit præsens Parliamentum*, or *continuavit & prorogavit præsens Parliamentum*, or *declaravit esse continuandum*, and yet the Act of the Chancellor adjourns the *Lords* only.' To confirm which Notion, he cites certain Passages that seem to apply the Words *Synodus*, *Convocatio*, and *Concilium*, to one House alone.

No parallel between the Style of Adjournments in Parliament and Convocation.

Convocatio always includes both Houses.

Vid. *supr.* p. 24.

Reg. Up. House, 1529. Seff. 96.

To which I reply, that this is no parallel Case (even in the Terms of the two Adjournments) till he can find better Reasons why *Pralatorium & Cleri Cant. Provincia* ought not to be a part of the Archbishop's Schedule; for that Expression directly specifies the Parties thereby Continu'd, and so leaves no room for his Interpretation of *Convocatio* and *Sacra Synodus Provincialis*. But supposing the Schedule *without* that Specification, there is yet one remarkable Difference in the Case; speaking (I mean) upon the foot of the Words only. For it is no such wonder to see one of the Houses express'd in an old Form under the name of *Parliamentum*, when we find an Officer in the same House styl'd *Clericus Parliamentorum*, as being anciently the Clerk of both Houses. The Archbishop's Register is also by his Place Register of both Houses of Convocation, supplying the Lower by a Deputy, whom he himself substitutes; but where do we find him call'd *Registrarius Convocationum* or *Synodorum Provincialium*? Not once in all the remaining Acts, either Old or New. Nor do these terms occur on any Occasion in the plural, because in the singular they have always comprehended both Houses. *Convocatio Pralatorium & Cleri Cantuariensis Provincia*, is the constant title of all our Convocation-Acts, ancient and modern. All Matters that have pass'd with the Approbation of both Houses, are said to be done *Autoritate Convocationis*: The foremention'd Committee appointed by the two Houses to sit after the Dissolution, had its Power to raise and levy the Tax, convey'd to them *per hanc Convocationem & ejus auctoritate*; and what they did was to be as effectual *ac si per Archiepiscopum ceterosque Pralatos & Clerum dicta Provincia in presenti Convocatione actum, gestum, &c. fuisset*. The Committee of both Houses for the Consideration of Latymer's Case, are styl'd *Judices auctoritate Convocationis deputandi*—— The King's Writ of Prorogation runs, *Cum presens Convocatio Pralatorium & Cleri*. In his Confirmations of Canons, &c. the Archbishop is styl'd *President of the Convocation*; Bishops, Deans, Archdeacons, &c. being reckon'd the Members: The Money-Grants of the Clergy begin, *Praelati & Clerus Cantuariensis Provincia in ista Convocatione Pralatorium & Cleri*—— Archbishop Parker in his *Forma Convocationis*, '*Quòdque ex laudabili & antiqua ordinatione eadem Convocatio in duo Membra dividitur, nempe in Superiorem atque Inferiorem Domum*: And in his Speech to both the Houses, *Synodus hac nostra, & scitis, in duas*

'so-

in societas (qua duobus domiciliis, Superiori nempe & Inferiori, segregantur) divisa est.

In short, *Convocatio* and *Synodus* are the Words by which the two Houses of Convocation are constantly express'd in our Registers ancient and modern; and the four or five Instances of the contrary (that he has been able to pick out of so many thousands proving this to be the genuine Sense) shall be particularly shown to be mere Fallacies. So that whatever difference he may suggest between the *present* and *ancient* Import of the Phrases in the Form of Continuation, it is all a groundless Fiction. As the Words remain the very same, so have they now the same *Effect* and *Operation* that they ever had; the Archbishop doing that by the Authority of a Schedule (sign'd by himself, and attested by a Notary to be his Grace's Act, and so sent down to the Lower-House) which he anciently did, and may still do, in *Person*, as oft as he shall see Cause to require the Presence of the Lower Clergy while he pronounces the Continuation in the Upper-House. When he can shew me any such Schedule or Notice sent down to the House of Commons upon Adjournments declar'd by the Speaker of the House of Lords, I will then agree with him that the Cases are parallel.

The few Instances he produces to countenance a different Interpretation of the Words, are (as I said) mere Fallacies and Misrepresentations. Those in the Minutes after the Restoration are already shown to be such (p. 34, 35.) the Word *Convocatio*, as it stands there, bearing no such Construction as he would give it.

In the Instance of 1677. the Prolocutor is not styl'd (as he would insinuate) *Convocationis presentis Prolocutor sive Referendarius*, as sitting and acting in the Lower-House; but the Archbishop in the Upper-House commands them to chuse some one Person in *Prolocutorem seu Referendarium Convocationis presentis*, that is, to Execute the Office during *that* Convocation; agreeably to the Style *presens Convocatio* in the King's Writ of Prorogation and other Places, where it always implies the whole Body of Convocation as *then in being*. For as the Prolocutor is chosen at the Command of the Archbishop and Confirm'd by his Grace and his Brethren; so both Houses have their share in the Conveniencies of that Office. He is oblig'd not only to report the Requests or Opinions of the Lower-House, but likewise to receive the Pleasure and Directions of the

His Instances, appropriating the words *Convocatio* and *Synodus* to one House, all misrepresented. *Ans.* p. 18. c. 2.

the Upper: According to the Explication that Archbishop Parker, speaking to the Inferior Clergy, gives of the title *Referendarius, Qui vestra nobis desideria, nostraque vobis vicissim monita exponat atque referat.*

Ibid.

The next Instance, out of Archbishop Bancroft's Register, is taken from a Mandate of his Grace for the Suspension of three Members of the Lower-House, who had gone away without his Grace's leave.—*Cum Nos in Sacra Synodali Convocatione Prælatorum & totius Cleri nostræ Cant. Provincia— omnes & singulos alios Decanos, Archidiaconos, Capitula, & Cleri Procuratores, & alios quoscunque in dicta Convocatione comparentes & ab eadem sine licentia nostra in ea parte obtenta recedentes, aut mandatis nostris licitis vel Prolocutoris dictæ Convocationis minime obtemperantes, pronuntiaverimus Contumaces, &c.* How can the words *dicta Convocatione* and *dictæ Convocationis* refer to the Lower House, when there is not a word said of that House before, otherwise than as it makes one part of the Convocation, and is comprehended in the Terms of the first Clause to which the word *dictæ* evidently refers. As to the Matter of this Mandate, it will be shown at large on another Occasion, That the Archbishop has the sole Power to require the Attendance of the Lower Clergy; That the late Practice of asking leave of the House and the House's giving leave is unprecedented; and, That the Prolocutor has no Right of dispensing with Absence, but as he has leave or direction from his Grace.

Ibid.

In the same manner with the rest, has he perverted the Expression in his next Instance, from Archbishop Bourcher's Register—The Clergy were in the Upper-House presenting their Prolocutor:—*Coram Archiepiscopo & suis Suffraganeis, &c. in domo Capitulari insimul congregatis, comparuerunt, &c. & nomine totius Cleri presenarunt eisdem præfatum Magistrum Willelmum Pykenham in Prolocutorem dicti Concilii per totum Clerum electum.* To what can the *dicti Concilii* possibly refer, but to the Archbishop, Bishops, and Clergy, who are just before represented as Synodically met together in the Upper-House, and between whom (as I just now observ'd) that Office is intended to maintain a regular Correspondence when they are apart.

Ibid.

His next Citation to this purpose, is from the Register of 1562. Dr. Yale is sent by the Archbishop to the Lower-House, to pronounce all Absents, Contumacious, and is said to do it

it in *Capella Beata Maria, Domo viz. inferioris Convocationis prædict. in presentia Magistri Willelmi Saye Notarii publici, dictæ domus inferioris Registrarii & Actorum scriba.* Where there is plainly a literal Fault (as that Register has many such) *inferioris* for *inferiori*; for if *Inferior* be the *Lower Convocation*, the *prædict.* which is joyn'd to it must refer to some antecedent mention thereof; whereas in the Register there is none. But turn it thus, *In Domo Inferiori Convocationis*, and then *prædict.* is properly added, because the last Act that had been done was a Continuation of the *Convocation*, to which the *prædict.* must refer. Besides, the repetition of it in the very next Line, *Dicta domus inferioris*, makes it clear beyond Exception; for had the Register designedly written it before *Domo inferioris Convocationis prædict.* the Repetition thereof, with direct reference to it, must have been *dicta Inferioris Convocationis*, (or, *dicta domus Inferioris Convocationis*) *Registrarii*.

These are all the Instances (perverted and misapply'd, as you see 'em) that he could pick out of our Convocation-Acts, ancient or modern, as giving the least colour to his Interpretation of *Convocatio* and *Synodus*; notwithstanding the perpetual occasion there is for these Expressions. And the Registers certainly have the *sole* Right to determin the strict Sense and Meaning of *Convocation-Language*; whatever loose Expressions we may indulge, in a rhetorical Speech, or an elaborate History. Since therefore *Convocatio* and *Synodus* on all other occasions include both Bishops and Clergy; why must they be restrain'd to signify the *Upper House* only in the Form of his Grace's Continuation? Especially, when the sending down a Schedule thereof, *sign'd* and *attested*, is so direct an Evidence of the Concern that the *Inferior Clergy* have in it.

This Construction of the Words *Convocatio* and *Synodus* in the Schedule, if it need further Confirmation, receives it from several *Forms* of Continuation in the Upper House, and of the Declaration thereof in the Lower; both of them consistent with this new Notion of restraining them to either House separately, and to the *Upper* particularly in the Schedule of Continuation. As

1. Prorogations have been often made by the Archbishop with an exprefs reservation of liberty to shorten the time; on condition that he gave notice to the Members of the *Lower*, as well as the *Upper-House*.

1. From Prorogations, shortened.

Extract.
e Reg.
Sup.
Domus.

Anno 1532. S. 10. *Quo die Continuavit rursus in diem Veneris, viz. 28 Mensis Martii; & ad diem Mercurii nunc proximum, casu quo interim Episcopis, Prælati, Prolocutori & Clero, intimatio in ea parte facta fuerit.*

Anno 1557. Sess. 3. Jan. 28. *Episcopus London. locum tenens ex assensu Patrum continuavit ad diem Veneris 4 Febr. ad hunc locum; & in quemlibet diem citra (si Reverendissimo videbitur) legitimâ citatione & admonitione Patribus & Clero primò indicand.*

Anno 1557. S. 8. *Reverendissimus continuavit in diem Mercurii 16 Febr. prox. & in quemlibet diem citra si opus fuerit, monitione tamen legitimâ Patribus & Clero, &c.*——According to which Reservation, the next Session (9.) was on Monday—*Die luna, Episcopus Commissarius, intimatione legitimâ eis factâ, evocavit Prolocutorem & Clerum.*

Anno 1557. S. 14. *Locum-tenens continuavit in diem Mercurii, secundum Martii, & in quemlibet diem citra, intimatione facta, &c.*

Anno 1557. S. 16. *Locum-tenens continuavit in diem Mercurii & in quemlibet diem citra, &c.*——Accordingly, the seventeenth Session was on Tuesday apud Lambhith, *habitâ priùs intimatione legitimâ Patribus & Clero.*

So also in the Year, 1553. May 11. a Prorogation is made with this Clause, *Atque in quemlibet diem interim contingentem*——And in 1554. another to the same effect, *Et ad quemlibet diem citra super Intimationem.*

In these Instances, the Archbishop and his Commissary prorogue the Convocation, with a Liberty reserv'd to themselves of Summoning the Bishops and Clergy to a shorter Day, if they find it necessary or convenient. Now, if the Lower Clergy were not Included in such Prorogations, what Right had the Archbishop to suppose them under an Obligation to obey, in case he thought fit to contract and shorten the time? Or, how came they to think themselves bound to answer that shorter Summons, but that they knew they were Included in the Archbishop's Prorogation, and by consequence oblig'd to comply with the express Limitations of it. This to me seems a plain and natural Inference; and if our Author think otherwise of it, he will please to tell us where the Weakness lies.

2. There

2. There are several Instances of Continuations, with an Exception to the *Day* or *Hour*, in case of the Parliament's sitting.—*Anno 1555. Sess. 1.* The Bishop of *London* directs them to present the Prolocutor on *Oct. 25.* [in the Morning] *Si Parliamentum eodem die celebrari non contigerit; alioqui post meridiem ejusdem diei.*—

Anno 1558. S. 2. Episcopus London. continuavit in diem Veneris prox. inter horas 9. & 10. si Parliamentum tunc non habeatur; alioqui ad horam tertiam post Meridiem.

Anno 1558. Sess. 3. Continuavit London. ad diem Veneris prox. si Parliamentum non habeatur.

Anno 1588. Sess. 13. Episcopus London. continuavit in 14 Aprilis, si Parliamentum non habeatur.

Anno 1558. Sess. 16. Præsident prorogavit & continuavit presentem Convocationem usq; in diem Veneris prox. — si non fieret Parliamentum.

I produce these Evidences, to show the general Power of the Archbishop in determining the Times and Days of the Convocation's meeting, according to the convenience of his Grace and his Suffragan-Bishops. And as to the particular Point before us, granting the Parliament to sit at any of the Times when the Archbishop's Continuation supposes they *might* *probably* sit, would the Inferior Clergy in that case be oblig'd to attend, at the further Hour assign'd upon that Supposition? Yes, those of the Clergy with whom the Dispute is, deny not their Obligation to meet at the Archbishop's time. A Concession, upon which I shall have occasion to reason more at large; but in the present Case, what account can be given why they should be govern'd by the *Suppositions* of a Continuation, if they were not *Included* in it, and to be entirely determin'd thereby?

3. The only exact and authentick Journals of the Lower House now remaining (those, I mean, in the two Convocations of 1586. and 1588.) have several Instances, where the inferior Clergy attend on the *Day*, at the *Hour* and the *Place*, to which the Archbishop prorogu'd the Convocation; tho' no Continuation was made in the *Lower House*. Only, some of the Members coming according to the last Prorogation, and find-

2. The Lower-Clergy Included, from the Conditional Prorogations. Extra. e Regist. Sup. Domus.

Pr. to Nar. p. 12. Nar. p. 8, 16. Answ. p. 19: c. 2.

3. From their attendance, without a formal Continuation in the Lower House.

ing that the Archbishop and Bishops did not intend to meet that Day, but that the Convocation was, or would be, Continued by Commission; they went away, after having learnt the Day to which his Grace's Commissary either had actually prorogued them, or was empower'd to do by his Commission.

Anno 1586. Sess. 5. Mar. 6. *Quibus die & loco compaernerunt Magistri D. Powell, Say, Gilpin & Maxfield hujus domûs, quibus intimatum fuit hujusmodi Convocationem de mandato & voluntate Reverendissimi Patris Domini Cant. Archiepiscopi esse continuandam in diem Mercurii prox. inter horas octavam & undecimam ante Meridiem ejusdem diei, prout reverà continuata fuit. Unde postea discesserunt, &c.*

— Sess. 6. Seven of the Lower House appear, but no Prolocutor; *Et eo quod satis bene norunt hujusmodi Convocationem esse continuatam in diem Veneris prox. &c. post aliqualem moram discesserunt.*

— Sess. 8. *Compatuerunt Mri. Stallard, West, Owens & Proctor; quibus significatum fuit hujusmodi Convocationem esse continuandam in diem Mercurii prox. inter horas, &c. de mandato Reverendissimi Patris Domini Cant. Archiepiscopi; prout reverà sic continuata fuit per Mr. Lucam Gilpin sufficienter & legitimè in ea parte deputatum. Unde mox supra-nominati ex cœtu Inferioris Domûs discesserunt.*

— Sess. 9. Thirteen of the Lower-House appear (but not the Prolocutor;) *quibus intimatum fuit hujusmodi Convocationem fore de mandato Reverendissimi Patris Domini Cant. Archiepiscopi continuand. usque inter horas, &c. ac in locum solitum, prout reverà de certâ scientiâ mei Notarii antedicti postea sic continuata fuit. Unde mox omnes supra-nominati discesserunt.*

In these Cases, the Members who came, found that his Grace and the Bishops did not intend *these* for Days of Business; and had therefore no more to do but to inform themselves of the *further* Day, to which the Convocation was, or would be, Continued. In one of the Instances it was actually Continued before they came; in the three others, they were assur'd that it was to be Continued by Commission. They there-

therefore immediately departed; and none but the Actuary stay'd behind, to wait for the Commissary's coming, and, together with the Register of the Upper House, to make an Entry of the Day, Hour, and Place, in the Journal of the *Lower*. In pursuance of these Continuations, the Members of the Lower Clergy met at the Time and Place appointed, and that Meeting is said in the Journal to be *inter horas præassignatas*, which could be no other *Assignment* than that which the Archbishop by his Commissary had made: From all which 'tis evident, that they thought themselves directly comprehended in the Terms of his Grace's Continuation.

This, so often repeated and in an accurate Journal of their own House, is a severe Argument against the new Notion of his Grace's Continuations extending only to the *Upper House*: And the Writer of the Answer, sensible of its force and evidence, would try at least to *weaken* the Authority of those Instances by certain remote Possibilities and Suppositions; which show nothing, but that upon Occasion he can descend to very mean and unworthy Shifts.

He would suppose, in the first place, against the continu'd silence of an exact Journal, that there was in these Cases a *formal Continuation* of the Lower House; referring us to the 3d Instance (Sess. 8.) where he affirms it *was* so, and concluding that it *might* be so in the rest, tho' the Actuary hath not taken care to express it. But in truth the Lower House had no *formal Continuation* that Day: The Members who appear'd were told that the Convocation would be Continu'd *de mandato Reverendissimi Patris Domini Cant. Archiepiscopi: prout reverà sic continuata fuit per Magistrum Lucam Gilpin sufficienter & legitime in ea parte deputatum. Unde mox discesserunt*. First, the Convocation was *to be Continu'd*; then, the Journal adds the manner thereof, by *Commission*; and also the Commissary's Name, *per Magistrum Lucam Gilpin sufficienter & legitime in ea parte deputatum*, the Style under which the Archbishop's Commissioners, of all kinds, are constantly mention'd in our Records of Convocation. And therefore this Author's Gloss is utterly false and groundless; *That is* (says he) *deputed by the Prolocutor to Adjourn the Lower House, of which Gilpin was*

Ans. p.
20. c. 12.
No formal
Continuation in the
fore-mention'd In-
stances.

a Member:- When he must needs know from the Journal, that *Gilpin* was not that Day in the Lower-House, being Commission'd by the Archbishop to Continue the whole Convocation in the Upper. Nor could he think it any extraordinary thing, that a Member of the *Lower House* should be so Commission'd, when even the Prolocutor himself was made his Grace's *Commissary* in both these Convocations. Besides, how can he pretend a *formal Continuation* in this Instance, when the Journal implies plainly enough, that the Members who came, hearing they were to be Continu'd by Commission, departed, without staying for the Commissary's coming?

What he adds about the Practice of the foregoing Convocation of 1586. is true in fact, but not to the purpose: In the Sessions, 5, 7, 9, 10. tho' no Business appears to have been done, the Continuations were *formally* declar'd. And for a very good Reason, because on all those Days great numbers of the Lower House attended in expectation of Business (S. 5. there were present xli Members. S. 7. xxxvi. S. 9. xxxix. and S. 10. xxviii.) and so, they sat, and were form'd into a House, and had the usual Prayers; and accordingly the Commissary's Prorogation was notify'd and declar'd in the accustomed manner. But what is all this to Instances of a quite different Nature, when the Members did *not* sit, and Prayers were *not* read; and they were so far from appearing as a House, or thinking a formal Continuation to be at all necessary, that they went away before the Commissary came?

Intermissions of Adjournments nothing to the purpose.

Pag. 9, 10, &c.

The Author of the *Answer* was aware, that these Colours he had laid would easily be taken off; and therefore he tries another sort of Proof from the general *Nature* and *Effect* of Adjournments; the Influence of which upon the present Argument, I freely confess my self not to apprehend, tho' it has cost me some Pains to find out the Relation: It is in his 20th Page, Col. 2. where he resumes an Assertion (already consider'd and confuted at large) that the Convocation *subsists* by the King's Writ; when (according to the true import and intent of the 25th of *Henry* the 8th, c. 19. upon which the Assertion depends) the King's Writ goes no farther, than to set the Archbishop at liberty to *give Subsistence* to a
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Convocation; leaving his Grace to his *usual* Method of *sum-
moning* and *holding* it. Next, upon this false Supposition,
that the Lower-House has its immediate *Subsistence* from the
King's Writ, he forms a nice Disquisition, How far *Adjourn-
ments* are necessary to the *Being* of a House (supposing all
along, what is the Point in question and never can be prov'd,
that the Lower-House have an Inherent Right of Adjourning
themselves.) Then, he concludes, that a *Discontinuance* does not
dissolve a House, and reasons upon the Usages of the *Lords*
and *Commons* in that Particular. In all which I cannot con-
ceive his Design, unless it be to amuse the Reader with such
dark and unintelligible Notions as may take off his Attention
from an Argument not otherwise to be answer'd. A Fault, of
which he could not have been so remarkably guilty in this and
other parts of the Answer, had he remember'd the Request
that Dr. Atterbury leaves with his Adversary, *That he would*
*forbear to wander out into foreign Matter, with a design of car-
rying the Reader's Eye off from those Articles where the Knot of
the Dispute lies.*

Pr. to
Rights,
p. 35.
Ed. 2.

The two Houses of Parliament, whose Inherent Right of
Adjourning themselves separately is not disputed, are at li-
berty to govern their own Adjournments as they please:
And as to the Lower-House of Convocation, all I know of
their *Intermissions* is this; that as they own themselves Oblig'd
to attend the Time of the Archbishop's Prorogation, so if
they neglect that Attendance, his Grace may admonish them
of their Fault, and proceed to Canonical Censures till they
return to their Duty. But, after all, in the Instances we
are now considering, there is no such *Intermission* of Adjourn-
ments or voluntary *resuming* of Sessions, as he dreams of:
For, notwithstanding the want of a formal Continuation in the
Lower-House, the Clergy always attended the Archbishop's
Appointment; and tho' at these Meetings the Continuations
were only made in the *Upper-House*, the Actuary enter'd them
as *distinct Sessions* in the *Lower* also, where some of the Cler-
gy actually appear'd then, and all the rest were oblig'd to at-
tend at the time of that Continuation. We don't therefore
(as he falsely states the Point) infer that the Lower-House was
Included in the Continuation of the Upper, barely because no
Con-

Continuations were made in the Lower; but because the Members of the Lower-House, tho' no Continuation was made there, did yet think themselves under an *Obligation* to attend at the time appointed by the Continuation in the Upper; and there could be no other reason for such an *Obligation*, but only their being *Included* in it. This is an Argument built upon fact, and the known practice of the Inferior Clergy; from which his fanciful Speculations about the *Subsistence* of a *House*, have not the least Foundation. Nor indeed were they fit to be offer'd upon a Subject of this Nature, by any Hand, but His who had so nicely determin'd the *Nature* and *Notion* and *Properties* of a *House*, and found out the Secret of evading all the Objections of his Adversaries by the *tacit Condition* and the latent *Reserve* of *Quoad hanc domum*.

Lower
Clergy In-
cluded,
from the
Adjourn-
ments by
his Grace's
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sary, en-
ter'd in
their Jour-
nal.

4. In the Lower-House-Journal of 1586. there is yet another sort of Continuations, which are a direct Argument that the Inferior Clergy are Included in the Archbishop's Schedule. Dr. Ambrey, his Grace's Vicar-General, and specially deputed to be his Commissary in that particular, is said to have Continu'd *hujusmodi Convocationem*; and these Continuations were made in the presence of the Actuary of the Lower House, and are by him formally enter'd in their Journal, as the *Continuations of that House*.

Die Veneris, xvii. viz. die Mensis Februarii, Anno Domini 1586. secundum, &c. in domo Capitulari Ecclesia Cathedralis Divi Pauli London. in praesentia Edwardi Say Notarii publici assumpti, &c. ac inter horas nonam & undecimam ante meridiem — *Quibus die hora & loco, Venerabilis vir Magister Willelmus Awbrey legum Doctor, Commissarius Reverendissimi Patris Domini Johannis Cant. Archiepiscopi, &c. auctoritate sufficienti ad hoc fulcitus, Continuavit hujusmodi Convocationem in statu quo est usque in diem Veneris, viz. 24. diem praesentis Mensis Februarii, inter horas nonam & undecimam ante meridiem ejusdem diei, & prorogavit locum usque ad & in Ecclesiam Collegiatam Divi Petri Westm. &c. Praesentibus tunc ibidem Venerabilibus viris Magistris Mullyns & Walker ex caetu inferioris Domus, nec non aliis testibus, &c.*

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Die Veneris, viz. 24. Martii 1586. Secundum, &c. Contin-
mata fuit hujusmodi Convocatio per Venerabilem virum Magi-
strum Willelmum Awbrey legum Doctorem, Vicarium in Spiri-
tualibus Generalem Reverendissimi Patris Domini Johannis Provi-
dentia divina Cant. Archiepiscopi, nec non Commissarii in ea parte
specialiter deputati, usque ad & inter horas primam & quartam pome-
ridianas, ac in locum prædictum [Ecclesiam Divi Petri Westm.]
Ac insuper idem Venerabilis vir jussit ut omnes hujus Domus, qui
ad locum prædictum ante meridiem illius diei venirent [for the
last Continuation had been to the forenoon,] moneantur ad
sempestivè congregand. in locum solitum prædictum statim à pran-
dio, prout ex relatione Magistri Redman Deputati Registrarii
Superioris Domus ego Thomas Barker Notarius antedictus ac-
cepi.

In these two Instances the Inferior Clergy are *Continu'd*, together with the Bishops, under the Term *hujusmodi Convocatio*. In the first, the Actuary of the Lower-House and certain of the Members, were present: In the second, tho' neither Acturay nor Members were come, yet the Register of the Upper-House, by order of the Commissary, directs the Actuary of the Lower to give Notice to the Clergy that they attend at the Time and Place specify'd in his Grace's Continuation; which they accordingly did, in this as well as the Other Instance, tho' there was not in Either any *Continuation* made in the Lower-House. And I don't see, what clearer Proof can be desir'd, that the Inferior Clergy are *Included* in the Continuations made by the Archbishop or his Commissary in the Upper-House.

I have been the more particular in my Explication of the *Design* of his Grace's Schedule, with the meaning of the words *Convocatio Prælatorum & Cleri* and *hujusmodi Convocatio sive Synodus Provincialis*; because upon these the legal Decision of the Question chiefly depends. The Substance of my Reasonings from the *Schedule*, is this: Every Continuation is made by Reading and Signing a Schedule thereof in the Upper-House: This Reading and Signing is formally *Attested* by a Notary: That *Attestation* cannot be necessary to any Purposes in

The Sum
of the Ar-
guments
from the
Schedule of
Continua-
tion.

in the Upper-House, the Members whereof *hear* it read and *see* it sign'd: But the Schedule is sent down to the Prolocutor, with the Solemn Testimony of his Grace's Authority, to give the Inferior Clergy a *legal* Notice that the *prasens sacra Synodus, sive Convocatio Pralatorum & Cleri Cantuariensis Provincia* is Continu'd to such a day: Which Expression, as it is agreeable both to the Intent of the Schedule and the Language of Convocation, so does it evidently Include both the Upper and Lower-House. Or, tho' we should (which we need not grant) vary the Style, and leaving out the words *Pralatorum & Cleri Provincia Cantuariensis*, make it only said that *hujusmodi Convocatio sive sacra Synodus Provincialis* is Continu'd; there could yet be no doubt whether the Lower Clergy were Included, since these words in our Acts are constantly us'd to express the *Whole Convocation*: And it would be unreasonable, in interpreting the *Schedule of Continuation*, to give them a Meaning *Exclusive* of the Inferior Clergy, whose immediate Concern therein is so clearly signify'd in the *attesting*, and *transmitting* it to the Lower-House. Especially, when we find upon the Registers of the Upper-House and the Journals of the Lower, so many Continuations, the *Manner* and *Effects* whereof directly suppose the Lower Clergy to be Included. When the Archbishop Continu'd with a Liberty reserv'd to himself of *shortning* the Time prefixt upon due Notice thereof to the Clergy, or *deferring* the Session in case the Parliament sat; they actually attended *before* the day, and comply'd with the Terms of such Continuations. When his Grace Continu'd by Commission, and no *declaration* thereof was made in the Lower-House; the Inferior Clergy did yet attend at the Time and Place specify'd therein, and took the Measure of their *Sessions* from thence. When the Vicar-General, deputed by his Grace, Continu'd the Convocation in the Upper-House, while the Actuary of the Lower and some of the Members were present; and summon'd them at another time, by the Officer of their House, to attend at the time he had appointed in his Grace's Name; both these (without any other declaration) are enter'd in the Journal, as Continuations of the *Lower-House* also, and in both Instances the Inferior Clergy punctually comply'd with the tenor thereof.

The Schedule *Sign'd* and *attested* in that Solemn manner, is sent down by the Archbishop to the Prolocutor, who knowing from thence his Grace's Adjournment, and the Declaration thereof made in the Upper House, *Intimates* to the Lower, *hanc Convocationem*, or *hujusmodi Convocationem*, or *Convocationem Prælatorum & Cleri* (according to the tenor of the Schedule) *esse continuatam usque ad & in diem*, &c. & *in hunc locum*; all which he recites out of the Schedule itself. And this way of Continuing in the Lower House by *Intimation* from the Prolocutor, is the *current* and *ordinary* Style *Vid. Supr. p. 31, 32.* throughout the Acts of 1586 and 1588, the only two Journals now remaining, in which their *Forms* and *Methods* of proceeding are particularly expressed: *Intimavit omnibus præsentibus*, or *omnibus supranominatis*, *hanc* or *hujusmodi Convocationem esse continuatam*: *Intimavit Continuationem hujus Convocationis esse factam*: *Quibus facta fuit Intimatio de Continuatione hujus Convocationis*; with the addition of the *Day*, the *Hour*, and the *Place*, all of 'em taken and recited out of the Archbishop's Schedule, and (upon the *Intimation* made from thence) enter'd by the Actuary in the Journal of the Lower House.

Upon this, there arises a Second Question, altogether as surprising as the first, Whether this *Intimation*, be an *Intimation* Question, of his Grace's Adjournment in the Upper House so notify'd by the Schedule, or an *Intimation* of the Pleasure of the Lower House? Now, when an Instrument Continuing the Convocation is *read*, and *Sign'd* by the Archbishop, and that reading and Signing is attested by a publick Notary; When the Schedule thus *Sign'd* and attested is sent down to the Prolocutor, and an *Intimation* is given by the same Prolocutor that the Convocation is Continued to such *Day*, *Hour*, and *Place*, according to the tenor of the Schedule: All this (one would imagin) should sufficiently direct to the *Authority* from whence it flows, and supersede all enquiries whether it be the Act and Pleasure of the Archbishop, or of the Lower House, that he then *Intimates*; Especially, when none of these Continuations is accompany'd with the least footstep of any *Scruple* whether his Grace's Act should be comply'd with, or of any *Consent* either ask'd by the Prolocutor or given by the Lower House. *Ans. p. 8. cap. 2.*

But the new Schemes of the Privileges of the Lower House give the new a quite different Interpretation. The Author of the *Answer* Principles, is a speaking of this form in the Continuation, says, "that the *Intimation* can signifie no more, than that the Prolocutor, as the Notice of the consent of the Mouth of the Lower House, *Declar'd* the time to which it Adjourn'd; House.

Nar.p.10. "journ'd; And, "the Intimation there spoken of must be such
 "as was directed by the *House* it felt ——" The *Narrative* ex-
 plains the word thus: 'Tis well known, that *Intimate* in the ge-
 "neral acceptation means no more than simply and barely to give
 "Notice: but sometimes according to the Occasion upon which
 "it is us'd, or the Person that uses it, it *Connates* an Authority,
 "either *Supreme*, as in the Church of *Rome* if the Pope uses it,
 "or *Subordinate*, as it here does in the Prolocutor; who gives
 "the House the Authentick notice of an Adjournment not
 "made by his own determination. But how far the Power of
 "the Archbishop, and how far the Power of the House, operates
 "towards that Adjournment, is not to be inferr'd from the Word,
 "(tho' the contrary by mistake has been suppos'd) but is to be
 "collected from the *Nature* and *Constitution* of our Convocati-

Nar.p.22. "on." ——— To this it adds, "*Prolocutor intimavit* must imply
 "the consent either Express or Tacit of the *House*, that they
 "were willing to Sit no longer at that time, and not to meet a-

Pref. to: "gain before the Archbishop's Day". And, says the *Publisher*

Nar.p.19. with some Indignation, When the Lower House had agreed to
 adjourn, who should Intimate this but the Prolocutor"? As if
 such Continuations by *Agreement of the House* (no elder than the
 last Convocation) could have any influence upon the Meaning of
Intimatio in 1586 and 1588.

These Assertions agree in the main, That the Lower-House
 having an Inherent right to Continue it self, the Prolocutor's *In-*
timation must have reference to the Consent and Resolution of
 that House, and so be an Intimation of their Pleasure: but in
 the degrees of Assurance they differ somewhat. The Author
 of the Answer, and the Publisher of the *Narrative* are positive
 (and therefore give no Reasons) that it must be an *Intimation* of the
Agreement and *Order* of the House, without allowing his Grace's
 Act of Continuation any influence in the matter: The *Narra-*
rive it self is more upon the reserve; and will not absolutely say,
 that the *Intimation* has no regard to the Act of the Archbishop
 above, but is clear that 'tis immediately given upon the *Consent* of
 the House either *Express* or *Tacit*. Which *Tacit* consent was reason-
 ably added, to prevent a Question that would naturally arise,
 and is not to be answer'd without evident prejudice to their
 New Notion; viz. In what instance of Continuations declar'd
 thus by the word *Intimavit*, do we find any *Marks* of the Con-
 sent of the House, either askt or given? Not the least foot-

step

step in any one of them: and it was therefore necessary to turn it into a *Tacit consent*; which is as useful in this Difficulty, as that *Answ. p. 18. c. 2.* *tacit condition*, and *latent Reserve of the Clause Quoad hanc Domum* has been in some others.

But what in former Convocations was *Tacit*, became *Express* enough in the last; in which their Consent was ask'd and had by the Prolocutor, and he thereupon gave the Intimation. ——— *Nar. p. 29.* *Martii 22d, And then with the Consent of the House the Adjournment was intimated to, &c. --- Martii 31st. And then with their Consent, the Prolocutor Adjourn'd them in the usual Form. --- And, We Adjourn'd to May 8th, the Day their Lordships were to meet on.* *Ibid p. 43.* *Where the Intimations and Adjournments are represented as made upon a Vote or Consent of the House, vested with an Inherent Power of Adjourning it self, and not at all Determin'd (but upon such a Voluntary Consent) by his Grace's Act of Prorogation Above. Which is very agreeable to their avow'd Principles about the Notion and Constitution of their House, but I know not how they Reconcile this Inherent Freedom to some late acknowledgments of an Obligation to attend on his Grace's Day.* *Ibid p. 48.*

However, their Application of the Word *Intimavit*, as taken for the Resolution of the Lower-House, is attended with one Objection, which I think is generally observ'd: That whereas (according to the common Notion of the Word) *Intimation* is meant of a thing *unknown* before to the Person who receives it; here, it is an acquainting the House with a Consent or Resolution which themselves had made immediately before. They direct the Prolocutor what he shall say, and then he *intimates* it to those from whom he receiv'd his direction. In all Cases, where the Vote or Resolution of a *Body* is to be declar'd by one; I take the Word *Declaravit* or *Pronunciavit* to be much more usual and exact. *Intimavit, according to the natural meaning of the Word, refers to the Archbishop's Act:*

But because Registers are not always penn'd according to the strict Propriety of Words (tho' seldom against both the proper and vulgar Acceptation,) let the meaning of *Intimavit* be determin'd by the Registers themselves; in which I have observ'd it frequently mention'd on other Occasions, besides this of Confirmation; but always in such a sense as gives no Colour to the modern Application of it. *As also, by its meaning in our Registers.*

Anno 1369. 11. Kal. Feb. The Archbishop Commands the Lower-Clergy to consider of a Subsidy, & *deliberatione habitâ per eosdem, sibi referre & intimare de voluntate eorum* — 10 Kal. Febr. the Archbishop Commands the Clergy to draw up their Grievances, *ut poterit intimare Domino Regi.* — 1371. April 25. the Bishop of London Commands the Clergy to consider of a Subsidy, *ut sibi & aliis Prelatis intimarent de voluntate suâ* — and in the same sense 1377. 6. Kal. Dec. *ad intimandum voluntatem eorum de modo & formâ Subsidii* — 1428. Jul. 10. The Archbishop being absent, his Chancellor (sent by him to the Convocation) *intimavit quod voluntas Domini erat* — Jul. 21. The Archbishop (upon a Prorogation) enjoyns his Brethren *ut intimarent Procuratoribus per Civitates & Diœceses suas*, that if they did not attend, he would Proceed against them — 1433. Dec. 17. Dominus Prolocutor *intimavit Domino & Confratribus* the Grant of a Subsidy by the Clergy — 1437. Apr. 29. Dominus *fecit per venerabilem virum Thomam Beckington intimari & assignari omnibus, &c. quatenus exhiberent Certificatoria, &c. post prandium* — 1438. *Intimatum erat per Magistrum Richardum Andrew Prelatis & Clero*, that the Archbishop would come after Dinner — 1439. *Intimatum fuit*, by the Archbishop to the Clergy, *quàm benignè & quàm gratiosè habuit se Regia Majestas* — 1452. Febr. 9. Clerus Cant. Provincia, by the Dean of St. Pauls, *intimavit & declaravit* to the Upper-House, that they had chosen their Prolocutor. — 1452. Prolocutor *intimavit eisdem patribus*, That the Clergy had granted a Tenth — So, in our more modern Registers — 1586. Sess. 6. The Prolocutor (having receiv'd notice that the Archbishop had decided an Election in favour of Mr. West) *intimavit hac omnibus presentibus, & monuit eos ad recipiendum Mag. West in cœtum hujus domus* — 1640. Sess. 4. 1 Convocation; the Archbishop Substitutes a Bishop to Continue, & *intimatâ Substitutione hujusmodi per me Notarium, &c. assumpsit in se onus* — 1640. Sess. 12. Reverendissimus Pater Praeses antedictus eidem Prolocutori *intimavit & confratres suos tractasse, &c.* — The same Register p. 66. Reverendissimus *significavit & intimavit* to the Lower-Clergy, that the King had Granted a new Commission — p. 72. Reverendissimus, having call'd up the Prolocutor and Lower House, *intimavit & eis publicè per me praefatum Notarium legi fecit literas Regias, &c.* — p. 77. The Lower Clergy being present.

sent, *Reverendissimus eis intimavit se & confratres suos unanimi consensu fecisse quosdam Canones.* —

This is the Language of our Convocation Registers, suitable in no one instance to *their* Interpretation of the Word; the sense whereof ought certainly to be rather taken from the Acts of our *own* than of *other* Councils. You see, the ordinary use of *intimavit* in the Acts, is to express the Conveyance of some notice or Resolution, from one Person or one Body of Men to another, that before was wholly unacquainted with it; with which sense the Prolocutor's *Intimation* of his Grace's Act to the Lower Clergy, exactly agrees. And tho' perhaps it may not always imply a *delegated Power*, but sometimes an *Authoritative*, yet it constantly signifies a Notice given of some *unknown* Matter, and never a notice given to Them by a Person who had first received it *from* them; which is the Case of the Prolocutor's *Intimating* to the House a Continuation Voted by the House. This is an Absurdity which the Narrative industriously Conceals: "*Intimare* Connates an Authority, &c. — *Subordinate*; as it here does in the Prolocutor, who gives the House the Authentick Notice of an Adjournment, *not made by his own Determination*": No, as apply'd to the Case in Hand, it should have run, Who gives the House the Authentick notice of an Adjournment, for the giving of which he receives Directions *from* the House.

Agreeably to the ordinary sense of the Word *Intimavit* in our Convocation Registers, the Continuations declar'd in the Lower House are expressly said, To be the *Archbishop's* Continuations, and, To be Intimated by the *Decree and Command* of his Grace; without the least Footstep of any Interposition of the Clergy, or any share they had, besides *departing*, and *attending* again, according to the Direction of his Grace's Schedule.

Anno 1588. Sess. 9. *Dominus Episcopus London. vigore Commissionis sibi in eâ parte factæ, Continuavit hujusmodi Convocationem usque diem Mercurii prox. in Ecclesiam Collegiatam Divi Petri Westm. inter horas 8 & 10 ante meridiem: Quam Continuationem Dominus Prolocutor intimavit omnibus presentibus, & monuit eos ad tunc ibidem interessend, &c.*

Anno 1586. Sess. 5. *Quibus die & loco comparuerunt Magistri Powel, Say, Gilpin, West & Maxfield, hujus domûs, quibus intimatum fuit hujusmodi Convocationem de mandato & voluntate Reveren-*

Nar. p.

10. 22.

App. N. 3.

Nar. p.

10.

The Intimations in the Lower House expressly made by his Grace's Order.

verendissimi Patris Domini Cant. Archiepiscopi esse continuand. in diem, &c. prout reverà continuata fuit.

— Sess. 8. Four appear in the Lower-House; quibus significatum fuit hujusmodi Convocationem esse Continuandam in diem, &c. de mandato Reverendissimi Patris Domini Cant. Archiepiscopi, prout reverà sic Continuata fuit per Magistrum Lucam Gilpin sufficienter & legitime in eâ parte deputatum.

— Sess. 9. Thirteen of the Lower-House present: Quibus intimatum fuit hujusmodi Convocationem fore de mandato Reverendissimi Patris Domini Cant. Archiepiscopi Continuand. usque, &c. prout reverà sic continuata fuit.

Anno 1588. Sess. 21. Dominus Prolocutor verbo tenus intimavit hujusmodi Convocationem esse continuatam juxta decretum Domini Archiepiscopi Cant.

In these Instances, the Prolocutor is said, To Intimate the Continuation made by the Archbishop's Commissary, and, To Intimate in the Lower-House that the Convocation was Continu'd by Order of the Archbishop; and, the Members being there met, are said to depart "Upon an Intimation that they were to be Continued to such a Day and Hour by the Command of the Archbishop". I know not what more express Words can be found, to testify the Intimation given by the Prolocutor, to be purely an Intimation of his Grace's Order signify'd in the Schedule of his Continuation Above.

Ans. p.
8. c. 2.
Instances
Conceal'd
by the Au-
thor of
the An-
swer, and
the Com-
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the Nar-
rative.

The Author of the Answer speaking of the Word Intimavit in the Continuations of the Lower-House, disingenuously Conceals these Passages which directly overthrow the Interpretation he gives. All the notice his Reader has of them on that occasion, is this, "The Intimation there spoken of, must be such as was directed by the House it self, and not by the Archbishop; though I must confess there are two or three passages in those Acts so express'd, as not readily to admit of such an Interpretation". Considering the Importance of these Instances towards the true Explication of the Term, I leave you to judge whether his Reader have not cause to resent this Concealment of them, that he might the more safely obtrude upon him the Interpretation they destroy.

If the Narrative now publish'd was really drawn up by Order of the Lower-House, the Compilers of it could not think themselves to answer the Intention of the House in their Omis-

sion

son of these two Instances in 1588, that are not liable to the exceptions they make to the other three in 1586. To which they say, that the Adjournment made in the Upper-House, "was on-ly casually signified to some few *stragling* Members of the Lower 4- " which was not yet Assembled" — But the *thing Intimated* was the Adjournment made in the Upper-House; and the *Intimation* was given in the Lower, not to *stragling* Members, but to the Members who were attending regularly according to the last Continuation; and finding that no business was to be done that day, departed, after they had learnt to what further day his Grace had resolv'd to Continue them. If they had thought a formal *Intimation* by the Prolocutor or the Consent of the House, necessary to their Continuation, they would have stay'd at least till the Commissary came, in hopes that the Prolocutor might come also. But they were certain that the Archbishop had granted a Commission to Continue the Convocation to such day, and knew that They and their Brethren (whether absent or present) would be concluded by it; and being assur'd that it was his Grace's *Act*, it was indifferent to them by what hand the *Intimation* came. This Exception therefore against the Evidences in 1586. is made without Reason. But the other Instances in 1588 are not liable even to this; which might be one good Reason for *omitting* them in the *Narrative*. A Suggestion, no way reflecting upon the House it self, who never pass'd it in a full and Synodical Meeting, and whose honour, fidelity, and exactness, is not suppos'd to be concern'd in every thing that a forward Member shall think fit to publish in their Name.

The Author of the Answer, occasionally mentioning the *Intimations Ad mandatum Reverendissimi* (some twelve Pages after that in which he explains the Word *Intimavit*) says, "It is certainly an improper Expression of the Actuary, being against the current Phrase of the Journals, which constantly represent the Archbishop as Continuing *cum consensu Suffraganeorum*; whereas, if these Words are proper, he Adjourns Arbitrarily, and without consulting them." But did he ever see it enter'd in the Journal of the Lower House, that the Archbishop had Continu'd in the Upper, *cum consensu Suffraganeorum*? If he did, it was in some secret Journal of his own in that of the last Convocation which yet is conceal'd. How therefore is the Actuary unaccurate, in omitting an Expression in this, which was never enter'd in any other instance? Or how could the *Consensus*

Nar. p. 22.

App.

Num. 10.

Answ.

P. 21. C. P.

Intimati-

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- 212 - 212

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- 212 - 212

ius Suffraganeorum be set down in *either* Journal, when the Archbishop Continu'd by Commission, and no Suffragans were present to give their Consent. Of which (by the way) a further use may be made hereafter, in stating the Share which the Suffragans have in his Grace's Continuations. In the mean time, the Phrase *ad Mandatum Reverendissimi* is in all respects suited to the Occasion on which 'tis us'd ; and is no less proper in these Cases, than that other in the Convocation of 1588 (against which no exception is made) where the Prolocutor Intimates to the Lower House *hujusmodi Convocationem esse continuatam, juxta decretum Domini Archiepiscopi Cant.*

I have dwelt the longer upon his Grace's *Schedule* and the Prolocutor's *Intimation*, because these two are a *legal* determination of the *Authority* by which the Inferior Clergy are Continu'd. The Terms of the *Schedule* evidently *Include* the *Lower House*, who being Continu'd by the Archbishop's Publication of it in the *Upper*, receive an *Intimation* of that his Grace's Act, by the Prolocutor's reciting those out of the *Schedule*, the Terms expressing the *whole Convocation* Continu'd, with the *Day, Hour, and Place*, to which his *Grace* has Continu'd it.

Some things are offer'd, as inconsistent with this Account of the *Schedule* and *Intimation*, and seeming to favour a Right to Separate Adjournments ; which I chose to consider here, while this Head is fresh in your Memory : that by reducing every thing to its proper Place, the Subject may be freed from a Confusion in which this Author seems industriously to have laid it.

First, It is said, That the *Adjournment* was pronounc'd always in the *Lower House* it self, by their own Prolocutor, or his Deputy thereto appointed. Suppose it had, Who so proper to give notice of the Archbishop's Pleasure in that particular, as the person directed to be chosen and then confirm'd by his Grace and his Suffragans, for this among other Ends, that he may from time to time receive their Directions, and deliver them to the House ? And who indeed could do it, but He into whose hands the *Schedule* is immediately put by the Messenger from his Grace ? But he adds *Had the Archbishop's Prorogation Above extended to the Lower Clergy the usual way of declaring it would certainly have been in presence of the Clergy themselves ; the Archbishop having an undoubted right to send up for them at pleasure, and making use of that Right frequently upon other Occasions.* Such a Motion comes somewhat untowardly, from Persons whose Complaints against Attendances of the

Objections Answer'd.

Ans. p. 8. c. 2. The Prolocutor's pronouncing the Adjournment no Objection.

Objections against the Clergy's being included in the Schedule, Answer'd.

kind have the pos to cal ceive And f of Com sary att of the vey'd to is as Au his Gra But ne Hou, no Deputy. by the Ar present, v testifying made in th his Grace's tion in their being there ons ; but the Actuary, or were able t according to knowledge o therefore the ctor, implic all Messages a to the Lower to receive and Archbishop, y mitting him to on himself fro And therefore Episcopal Clerg honourable Noti hem by the Han welcom when c the Bishops.

kind, have been so loud and publick. His Grace and the Bishops have an undoubted *Right* to require the Presence of the Clergy in the Upper House, as they see occasion ; but they are not suppos'd to Exercise this Power merely for their own pleasure, or to call up either the Prolocutor, or the whole Body, to receive Instructions that may as well be convey'd by *Message* : And such certainly are all Matters of *Form*, particularly this of *Continuations*, which his Grace (to ease them of an unnecessary attendance) signifies by an Instrument put into the hands of the Prolocutor, by whom all his other Messages are convey'd to the House : And an *Intimation* from that Instrument is as *Authentick* and *Obligatory* as if they had been present when his Grace pronounc'd it.

But neither was the *Adjournment* pronounc'd always in the Lower House, nor is it necessarily pronounc'd by the Prolocutor or his Deputy. The Instances I have already given of Continuations by the Archbishop and his Commissary while the Clergy were present, with those out of their Journals of 1586 and 1588. testifying the Obedience of the Lower-House to Continuations made in their absence ; sufficiently show them to be *Included* in his Grace's Act, and bound by it, without any *formal Declaration* in their own House. They were liable to censure, for not being there ready to receive Notice of his Grace's Continuations ; but their Absence did not at all hinder the *Effect* of it. The Actuary, or some few that came (tho' not form'd into a House) were able to acquaint them with the *Day, Hour, and Place* ; according to which they attended as punctually, as if the knowledge of it had come by the usual Declaration. That therefore the Continuation is *ordinarily Intimated* by the Prolocutor, implies no more than his being the Person by whom all Messages are *ordinarily* transmitted from the Archbishop to the Lower-House. But tho' *He* be oblig'd by his Office to receive and report such Instructions when *requir'd* by the Archbishop, yet his Grace in directing the Choice and admitting him to the Office, is not presum'd to lay a restraint upon himself from sending his Messages by any other Hand. And therefore it is somewhat unaccountable, that the same Episcopal Clergy who call the Schedule a more formal and *Answerable* Notice of what was done above, than could come to p. 19. c. 2. them by the Hands of a Common Messenger ; should think it less *Nar. p. 7.* welcome when convey'd and publish'd by one of my Lords the Bishops.

Answ.

p. 9. c. 1.

Deputati-

on of a

Prolocu-

tor no Ar-

gument of

the necessi-

ty of De-

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Adjourn-

ments.

Nar.

app. p. 4.

He infers the necessity of a *Declaration* by the Prolocutor from his *Deputing* a Sub-prolocutor to act for him in the Lower-House, even at such times when nothing more was to be done there, besides bare *Adjourning*. Nothing besides bare *Adjourning*? when the *Reading Prayers* is express'd in that Substitution, as one End of making it. But how did the Prolocutor know that no business was to be done that Day? That none was done, is a Supposition in no wise agreeing with the Doctrine of the *Narrative*, where the very Session in which this Substitution was made, is plac'd among the Instances of *Business* done in the Lower-House when nothing but a bare Prorogation pass'd in the Upper. The Persons deputed might very well be said by the Actuaries to Adjourn in the Prolocutor's Name, when they *Intimated* the Continuation from the Schedule, in the self same manner that the Prolocutor, if present, must have done.

Answ.

Ibid.

He insists upon the Solemnity of the Deputation, before a public Notary, &c. in the very manner that the Archbishop sometimes empower'd others to Preside for him. But he knows the usual manner of the Archbishop's Substitutions to be (as it ever has been) much more Solemn; by an Instrument Sign'd with his Grace's Hand, and Read in the House by the proper Officer; upon which the *Onus Commissionis* is formally accepted by the Persons specify'd therein.

Deputati-

ons of a

Prolocu-

tor, made

by the

Arch-

bishop's

Leave.

The most material Circumstance in this matter, is, the Authority by which the Deputations have been made: Whether by the Archbishop's, or the Prolocutor's with the Consent of the House. The Author of the Answer is positive, that the Archbishop could have no share in them, because the Register of the Upper-House takes no notice of a Substitution in the Lower, on May 2. 1640. But that Omission in the Upper-House-book might easily happen, since 'tis plain the Bishops did not meet that day; or if they had met, the Appointing a Sub-prolocutor was no part of the Synodical business of the House. However, that it was an Omission (i. e. that it has been usual for the Prolocutor to ask leave in such Cases) he might have known from other Entries in the Register of the Upper House. Anno. 1533. Sess. 3. The Prolocutor coming to that House, affirmavit se egrotum esse, & petiit ut, durante infirmitate ejus, Magister Fox, si vellet adesse, vel Magister Bell, exerceret Officium suum; & concessum est: From which Application and Consent, Mr. Fox (Sess. 5.) is call'd Prolocutor Admissus. To this I will add another Instance that our Author could not be ignorant

of, because he has cited it at large on another occasion. *Me- Ans. p.*
morandum quod Nov. 28. Dominus Prolocutor substituit loco suo, 11. c. 2.
durante ejus absentia, Magistros Hugonem Weston, Nicolaum
& Johannem Harpsfield, conjunctim & divisim, ad exercendum
Officium Prolocutoris: which could not any way have come in-
 to the Register of the Upper-House, but by the Prolocutor's
 Application to the President, for special *Leave* to make the
 Substitution. Nor can it in reason be suppos'd, that one so
 Solemnly *admitted, and confirm'd* in the Office, by the Archbishop
 and his Brethren, without any general *Provision* of Liberty to
 act by a Deputy; should have a right to make a Deputation,
 without the Express Consent of the Upper-House. Upon the
 promotion of a Prolocutor, the Lower Clergy cannot proceed
 to a New Choice till they receive Directions from the Arch-
 bishop: nor (which comes nearer to the present purpose) has
 the *Speaker of the House of Commons* upon business or indisposi-
 tion, or even the *House* it self, a Power of deputing another
 for the time; tho' they act in a much more *Independent* State,
 than the Inferior Clergy in Convocation.

Secondly, Another Exception against the Lower-Clergy's *Ans.*
 being *Included* in the Archbishop's Continuations, is the Style *p. 7. c. 2.*
 of seven Continuations in 1586. *Prolocutor continuavit Convocati-* *Nar. p. 32.*
onem quoad hanc domum. But these make no more mention, than *&c.*
 any of the rest, of the *Consent of the Clergy*; and will not there- *The Style*
 fore infer an *Inherent Right* of Adjourning, in the *House*. The *Cont.*
 natural Construction of the Words will make it (if they please) *quoad*
 the Sole act of the Prolocutor; who (according to their *Princi-* *banc do-*
ple, that the Archbishop cannot Continue the Upper-House but *num, no*
 by their own consent) becomes by that means a more confide- *Argu-*
 rable *President* in the Lower, than his Grace is in the Upper. *ment that*
 And as desirous as this Author seems of exalting the One and *the Low-*
 depressing the Other, that he may bring them to some kind of *er House*
Equality; he will (I hope) *suspect* any Interpretation that shall *is not in-*
 give the Prolocutor a Power *Superior* to that of the Arch- *cluded.*
 bishop. Nor will these Instances serve the Claim of *Intermedi-*
ate Sessions; no difference appearing in *Time*, between *Them*
 and the Continuations of the *Upper-House*: And since they own
 their Obligation to attend on his Grace's Day, *Co-incident* Ad-
 journments (as these were) don't seem (in *practice* at least)
 to be any longer a question between us. Those Continuations
 were first made in the Upper-House; and that Act (by their

own Principles) had *determin'd* their Attendance to the Appointment Above, in what *form* soever the Continuation was *declar'd* Below. If any of these Adjournments had been to Days *different* from those of the Upper-House, the *quoad hanc domum* (tho' the Instances of it are so few) might have done something towards the *Separation* they contend for; but no such *difference* appearing, nor any Circumstance implying an *Inherent Right* in the *House*, I know not what branch of their Claim these Instances are to support. But to whatsoever purposes they be apply'd, the disadvantages under which they are to serve, are many. Suppose them to be produc'd as a proof of the *Prolocutor's* or the *House's Separate right* to Adjourn; in that sense they evidently contradict the known rule of Continuing by *Schedule*; in Obedience to which they acknowledge themselves to meet on his Grace's day. Then, the *Singularity* of the Style renders them suspected; 'tis not to be met with elsewhere, either in the Journals of 1586, or 1588. nor yet in the Minutes of 1640. *so favourable to the pretensions of the Lower-House*, and *so full of Precedents to their purpose*. But, which is a yet harder objection, in the very Books from whence these *seven* are taken, there are *thirty six* Others not only *different* in Style, but directly *Contrary* to this new Interpretation; several of 'em asserting in *express terms*, and the rest evidently *implying*, his Grace's Authority to Continue the Lower-House.

These *Terms* therefore, so unusual and opposite to the known Method of *Continuations*, must have been introduc'd upon some *singular* Occasion: And what that was, we learn from certain Extracts of the contemporary proceedings in the Upper-House, which have luckily surviv'd the Registers from whence they were taken. The first Continuation in that form, is on Nov. 9th. and the Extracts tell us, that the Prolocutor was that Day put into Commission to *preside* in, or rather to *Pro-rogue*, the Convocation. Which Prorogation being made in the Upper-house according to the Usual Form, the Prolocutor, who was to come down to the Lower, might very well be allow'd as his Grace's Commissary to *pronounce* the Continuation, which in his single Capacity of Prolocutor he could only *Intimate*. For 'tis absurd to suppose, with this Author, that a Person empower'd by the Commission to Continue the *whole Convocation*: should leave behind him his Authority of a *Commissary*

The Rise
of the ex-
pression
*quoad hanc
domum*.

Nar. p. 34.
Answ. p. 9.
c. 2.

missary when he went to Adjourn the *Lower-House*, a part of that Convocation. Nor could *He* or the *Actuary* apply the ordinary Word *Intimavit* to these Circumstances; because that would have been an *Intimation* of his own Act, and not near so agreeable either to common Sense, or the Language of our Registers, as his usual *Intimation* of the Archbishop's. In this case, the Style of those Instances was *proper*; and however *improperly* us'd in any other, might easily be misapply'd (as in one or two Instances it is) after the *Actuary* had once taken up the Phrase.

This is a plain Account of the Rise of that Expression; which being dropt at the 11th. Session of 1586. was never own'd since by any *Actuary* (so far as we know,) because probably there was never the same Occasion for it. For tho' the Prolocutor was twice in Commission, during the Convocation of 1588. it does not appear that he came down in *Person*, to give notice to the *Lower-House*. I will only add upon this Head, that the Archbishop's Right to make the Prolocutor of the *Lower-House* his Commissary in *Proroguing*, would be thought at any other time a natural Presumption of his *Authority* to *Prorogue* that House. Because the Commissary is empower'd by his Grace to continue the *Whole Convocation*; and upon the new Notion of an *Inherent Right in themselves* to do it, the Prolocutor in accepting a Commission that suppos'd the Power in the Archbishop, had been very unjust to the Privileges of the House.

After these Instances in 1586. we will consider two others since the Restoration, to which the *Committee* refers us for a proof of the Adjournments by the *Prolocutor*, because from thence it is also argu'd that the *Lower Clergy* cannot be included in the Archbishop's Schedule. They are in the Years *Answ. p. 1677. Mar. 21. and 1678. Mar. 17.* in which two places, the 8. c. 1. Style is *Prolocutor Continuavit*, &c.

To these I reply, to the same effect as in my first Letter, That the very original Schedules of the Archbishop's Continuation, expressing the whole *Body* of the Convocation, and Continuing it to the Days specify'd in the Minutes of the *Lower-House*, are to be seen in the Register's Office at *Doctor's-Commons*. The Question is, By whose *Authority* the Prolocutor Continu'd? The Minutes imply no other than *his own*; but the *Lower-House* have a greater regard to their *Inherent Power*, than

than to admit that Interpretation of the Words. Was it then by the Authority of the House? That supposition will be too precarious, without any *Marks* of their Consent *given or ask'd*, either in these or any other Instances. By whose *Authority* therefore can we suppose them Continu'd, but *His*, who Sign'd and sent down these *Schedules of Continuation* to the Prolocutor? Which original Schedules being still extant, and putting this Matter beyond dispute, the Author of the *Answer* has not thought fit to take notice of the Instances, further than in a bare Recital of them out of the *Letter*. Nor indeed could his laying the least stress on 'em, be consistent with the mean Character he has given of the Actuary, *A Man utterly unacquainted with Forms of this kind, and unable to word them skilfully.*

Answ. p.
18. c. 2.

The
Clause in
hunc locum
determines
not the
Continuation
to the Upper-
House.

Answ. p.
8. c. 2. §
10. c. 2.

Nar. p. 26.

Thirdly, There is yet another reason pretended, why the Lower Clergy cannot be *Included* in the Archbishop's Schedule; because *That* constantly Adjourns the Convocation in *hunc locum*, that is (says the Answer) *to the very room where such Continuation is made*; and then adds, *No body meets at that Room, by virtue of this Continuation, but the Members of the Upper-House alone*; and it is clear therefore that *no Body but they can be Affected by it.* The Question here is, concerning the true import of the Clause in *hunc locum*, as it stands in the Schedule; whether it Continue strictly to *Jerusalem Chamber* (the Room of the Bishops) exclusive of *Henry the seventh's Chapel* (where the Lower Clergy Sit,) or only to *Westminster Abbey* (which includes both) in opposition to *St. Paul's, Lambeth*, or any other general Place? The Author of the Answer, you see, is positive that it signifies the very Room where such Continuation is made: But I hope his single Interpretation will not be admitted in contradiction to the *Narrative* which sets forth the sense of the whole Party; *The Acts*, say they, *assure us that the Lower-House always understood that Locus to be some common Place, as St. Pauls or Westminster, in which the Convocation was to meet.* And their Practice was exactly agreeable to this Construction; for as soon as the Words *vulgo vocat. Jerusalem Chamber* were omitted in the Schedule, they did not conceive themselves under any Obligation from the Clause in *hunc locum* to attend in the Room where the Continuation was Sign'd, taking the Words to be meant only of the *Church of Westminster* in general. Which being the true Sense (as the Author of the Answer must acknowledge, unless he will oppose his own Opinion to join the Declaration of his Brethren)

the

the Clause is so far from *Excluding* the Inferiour Clergy out of the Schedule, that 'tis rather an Argument of their being *Included*, since these very Words are transcrib'd from the Schedule into the Journal of the Lower-House, and the Members thereof meet, according to the meaning, in the *General Place*.

For it is absurd to say, that the Lower-House have a Power *Answ. p.* to Prorogue to *Place*; that is, to have it in their Choice to *10. c. 1.* Sit at *St. Pauls* when the Archbishop and Bishops are at *Westminster*. Which must be the Consequence of such a *separate* *Lower House* Right; unless they will *qualifie* that Right (as they have done *have no* the Continuations to the Archbishops Time) and make it a *Prorogue* *to Place.* Liberty of Adjourning to a Place, *determin'd* before by his *to Place.* Grace. The King's Writ expressly entitles the Metropolitan to the Choice of the Place, *In Ecclesiâ S. Pauli, vel alibi prout melius expedire videritis*; and the Author of the Answer (who *Ibid.* confines this Power to their *first Appearance*) ought to have shown us some Reason, why the Person empower'd to judge what Place is most *convenient* for their *first Meeting*, may not, upon any Inconveniences in that, remove his Convocation to another. Especially, when we have such frequent Instances of the *Change* of Places in the middle of Convocations, without any Interposition of the *King* or *Clergy*; and the Archbishop by his Mandate so expressly acquaints all the Members that they are to meet at *St. Paul's cum Prorogatione locorum prout convenit*, recited constantly in the King's Writ of Prorogation, and that directed to the Archbishop alone. The Writ of *Summons*, 'tis true, does not expressly empower the Metropolitan to *remove* the Synod at Pleasure; but 'tis sufficient, that it lays no *Restraint* upon him from exercising that Power of Removing, which he all along enjoy'd *before* the necessity of a Royal Writ. In was in Virtue of this Original Right, that the Archbishop's Commissary (and not the Clergy, as this Author groundlessly affirms) chang'd the *Place* in 1554. *Jan. 26.* tho' the Clause *Vel alibi, &c.* was casually *Pag. 10. c. 1.* omitted in the Writ upon which they were Summon'd.

What he says concerning the Adjournments in 1562. from the Chapter-House of *St. Pauls* to *Henry the 7th's Chapel* at *Westminster, &c.* is true in Fact; but does not infer the *Separation* he aims at. For the Lower-Clergy were effectually *Included* and *determin'd* by such Continuations, upon their *general Obligation*.

tion to remove with the Upper-House; and the Room in which they were to Meet upon that removal, being settled by Custom, was taken for granted by the Prolocutor of 1586. in that Continuation of the Lower-Clergy to St. Mary's Chapel at St. Paul's. But when they were Continu'd to Lambeth or any other unusual Place, that discover'd the Archbishop's ancient Right of Assigning a Room for the Debates of the Lower-House; according to the known Style of the Registers, speaking of that under the Chapter-House at Paul's; *Domum ab antiquo in Cleri Convocationibus Assignatam eisdem*: and their retirement in *Domum Inferiorem Clero pro tractatibus habendis in Convocationibus antea celebratis solitam Assignari*; with their Meeting there *juxta Assignationem Archiepiscopi*.

Anno.
1422. et
1424.

The Schedule falsely said to leave the Clergy at Liberty to disobey.
Pag. 19.
cap. 2.

The Author of the *Answer*, notwithstanding all the Testimonies of Authority with which the *Schedule* comes to the Lower-House, is pleas'd to call it only a more *formal* and *honourable Notice* of the Continuation Above; but thinks that the Lower-Clergy are neither *Included* in it, nor oblig'd to comply with the terms of it, otherwise than they find them suitable to their business or inclination. And this (says he) I take to be one chief Reason of the Archbishop's "*Signing* a Schedule of Pro-rogation all along, that the Lower-House might have a more "*formal* and *honourable Notice* of what was done Above, than "*could* come to them by the Hands of a Common Messenger; "*and an Opportunity*, by that means, of making their Sessions (if Business so requir'd) concurrent with that of the "*Bishops*: But the *Schedule* it self laid them under no such "*Obligation*, nor did the Signing or Publishing of it Above, "*include or concern them*." I cannot hinder any Man from making bold and confident Assertions; but desire others to consider what Regard they deserve, when they contradict the plain tenor of an *Authentick Instrument*, the several steps in the execution of it, and the *Effects* which it has so constantly produc'd. If the *Schedule* left them at Liberty to comply or not comply, according to the *Business* depending in their House; might we not expect to find, either in the Journals or the Memory of Man, That the Prolocutor (upon receiving the *Schedule*) had refer'd to the House the *Consideration* of the Time, That they had *deliberated* about it, and That now and then (according to the nature and Circumstances of their *Business*) they had made Choice

of a *different Day* ? But there is no footstep of any such thing ; nor is it either recorded, or remembered before the last Convocation, that the least Scruple or Hesitation was ever made about complying with the *Time* and *Place* specify'd in the Schedule.

In my first Letter, you remember, I insisted upon this concurrence of Continuations in *Time*, as an undeniable Argument that those in the Lower-House must have been always made upon Notice from the Upper. For at the beginning, it was suggested, that the Way of Continuing by *Schedule* was an *Innovation* (that stole in, I suppose, when the Clergy began to sleep over their Privileges:) a Suggestion, that was design'd to take away all *Intercourse* between the two Houses in this Particular. Accordingly, in the *Narrative*, they say, 'tis far from being certain, that his Grace's transmitting such a Schedule to the Lower-House, is of *ancient* use. But I have shown before, the frequent and express mention of Continuing that Way, as early, as the Year 1529. and that there could be no End in it, but to notify the Continuations to the Lower-Clergy, after their debating in the same place with the Bishops became less common. To which I may add, that the Journal of the Lower-House in 1588. *Seff. 21.* takes notice of an *Intimation* of the Prolocutor *verbo tenus* (i. e. otherwise than out of a written Paper) as a thing singular and extraordinary. And when the Compilers of the *Narrative* are pleas'd to signify the *Reasons* of their Scruple about the *Antiquity* of the Schedule, they shall not want my Endeavours to give them all due Satisfaction. In the mean time, the Author of the Answer, disputes not the Custom of sending down a Schedule, but only tries to take away its *force* and *Authority* : Making it, not a *direction* to the Lower-House, but only a formal notice of what the Upper had done; and ascribing the Concurrence of time to a voluntary *Agreement* between the two Houses *to make their Adjournments* co-incident for their mutual Convenience; because (it seems) the two Houses of Parliament have done so upon some extraordinary Occasions, of which he gives us two Instances from their Journal.

But can he be serious, in drawing this Parallel ? What, I pray, is a voluntary Message, occasionally passing between the Lords and Commons, upon extraordinary Business, without any Colour of *Command* on either Hand ; to a Solemn Notice by an

Let. 1.

P. 4. C. 1, 2.

Way of Continuing by Schedule, ancient.

Ans.

P. 2. C. 2.

Nar.

Pag. 26.

Vid. Supr.

p. 38.

Ans.

pag. 19.

Col. 2.

† The voluntary Agreement of the two Houses of Parliament to Meet on the same

days, no Argument of such agreements in Convocation.

Instrument, Sign'd by the Archbishop, attested by a Notary to be his Grace's Act, and sent down with all the Marks of Authority to a *Lower-House* acting in Subordination to an *Upper*? And this *constantly* done, as well when they had no Business, as when they had; and as *constantly* obey'd, without the least Scruple or *Consultation* about it. That such Messages about Meeting on the same Day, appear from the Journals of the Lords and Commons to have pass'd in *Parliament*, would be an Argument (if there were Occasion for it) that Adjournments there are *Independent*, and the Concurrence in time purely voluntary: And it would have the same force in Convocation, if the Schedule were *rarely* and *occasionally* sent down, if the *Ordinary* Method of Continuations in the Lower-House were *without* such Notice from the Upper, or if it could be shown in all the Records of Convocation that such Messages *desiring* a Concurrence in time (and so implying a right to *Deny* in the Clergy, and a want of Power to *Command* in the Archbishop) did ever pass between the *Upper* and *Lower-House*. He insinuates, that this was once the practice of Convocation; "Such (says he) was the Old practice of *Parliament*, and when "the Usage began to vary there, was still *kept up* in Convocation." If so, it was *Kept up* where it never had a *Being*, as in Convocation (I am sure) it never had. In our *Modern* Registers we find no Messages of that kind; and the Custom is so far from being *ancient*, that the further we go back, the less Signs do we find of such an Independence, and the clearer testimonies (if clearer can be) of the Clergy's being entirely govern'd by his Grace's Appointment of Time and Place. This Argument therefore proves no more than this, That tho' the two Houses of Convocation were as Independent upon each other as the two Houses of *Parliament*, they *might* notwithstanding upon occasion have concerted their Adjournments by a mutual Agreement; and the Messages by which such Agreements were settl'd, *might* have been enter'd in their Registers: But till he show that Independency, and produce these Messages between the Upper and Lower-House (neither of which he ever can do) he must excuse me, if I disallow his Argument, upon this general Principle, That as the *Parliament* and *Convocation* are of a very different Constitution, so is each govern'd by Usages of its own, and the Customs of the one can be no Rule to the Proceedings of the Other.

Ibid.

This

This known *Concurrence of Time* in the Continuations of the The Low-
Upper and Lower-House, with the Absurdity of supposing that er House
the *Bishops* are to meet in Convocation *without* the Clergy; own their
has forc'd them at last to an Acknowledgment of their *Obligati-* Obligation
on to at-
gation to attend at the time appointed in his Grace's Schedule. tend on
By which (in my Apprehension) they have effectually relin- his Grace's
quish'd some of the dearest Principles that belong to their Day;
Cause. If they can be *Oblig'd by another* to meet on a certain which de-
Day, what becomes of their *inherent Right* to Adjourn them- stroy
selves separately? This (if they really had it) would certainly their In-
protect them against being concluded by any *other* Adjourn- herent
ment. Right, &c.
Again, if they think themselves oblig'd to meet in
pursuance of his Grace's Continuation, what reason can be
given for it, but that they are *Included* in the Terms of the
Schedule, and therefore in the *Act* of Continuation? If also
they are determin'd by the *Intimation* to the Day and Hour
Assign'd in the Archbishop's Schedule, what is it that the
Prolocutor can *Intimate*, but the *Act* of the Archbishop from
whose Order and Authority that *Obligation* comes?

Perhaps they will say, there is a *Vote of the House* concur-
ring with his Grace's Continuations. But their passing a *Vote*,
if that *Vote* be *unnecessary*, does not entitle them to any more
share in the Continuation, than they would have had *without* it.
The Question therefore returns, Would they not be bound to
attend at his Grace's Time, tho' no *Vote* of the House oblig'd
them to it? Yes, the appointment of their *Intermediate* meet-
ings (their pretences to which shall be consider'd anon) is all
they claim; but they own themselves oblig'd to observe the
time of his Grace's Continuation. I confess, I don't see how The seve-
the *Asking* or *Giving* such *Consent*, can be made consistent ral ac-
either with their own Principles or their Duty to his Grace; know-
since the least that can be imply'd in such a *Vote*, is, a want ledgments
of *sufficient Power* in the Archbishop's Schedule, and a right of the An-
in the House to *Disobey* if they please; the first, a plain Di- swer, Nar-
minution of his Grace's legal Authority; the second, direct- rative and
ly Repugnant to their foremention'd Concession. Publisher,
Left I be thought to charge them unjustly, either with *Prin-* concern-
ciples or the Consequences of 'em; I will give you the several ing their
Declarations they have made of their Perswasion in this par- atten-
ticular. The * Publisher of the Narrative chastises me with dence
great severity, for saying in my first Letter, that the Lower on his
Grace's
* P. p. Day.

“Clergy claim’d a Power of Continuing to a day *beyond* the Archbishop’s Prorogation, so as not to meet his Grace and the Bishops on that day”. I did say so; but then, you know, I immediately added (what he ought in Justice to have done) that this *had not been yet practis’d*, they only pretended a Precedent to warrant it, whenever they should please to exercise that instance of their Independency. The Precedent, I meant, was the Continuation from May 5th to the 9th and so to the 13th in the Upper-House, and (as they pretend) from May the 5th to the 8th and so to the 13th in the Lower; which last, evidently passes over his Grace’s Appointment of May the 9th. This Instance is much insisted on to justify their *Inter-mediate Sessions*; and since it equally warrants their *Omission* of his Grace’s Day, it is an equal Authority in both Cases. That it is really no Justification of *either* claim, shall be shown at large hereafter; but now I am only telling you, what reason I had to lay down that, as one of their Principles; supposing (what I was bound in good Manners to suppose) that they would at least be consistent with themselves.

None of these Authors has been pleas’d to tell us, how this Instance comes to be so strong an Evidence in the *One* Case, and none at all in the *Other*; and the honour of their new Principles being nearly concern’d in such a rational Account of this Difference as may take off the Appearance of *Inconsistency*, I must beg leave, since they have not given any such Account, to think they have none to give. But be that how it will; the Power of continuing *beyond* his Grace’s Day is (as to *Practice* at least) disclaim’d by them, and the Obligation to attend according to his Appointment, plainly own’d. A Power of *Adjourning beyond their Lordships, and not meeting at that Day, is what we never pretended to, but utterly disclaim.*

— And, *Whenever such a power was mention’d, we always gave it up* — And, *We disown any Pretence to such a Power.* So also the Narrative, “We do not deny but that when the Time and Place to which his Grace and his Brethren have adjourn’d, shall be duly signified to us, we may be oblig’d to be then sitting in a Room of our Own in that Place, in readiness for a Communication with their Lordships.” And again; As to the Time, the Point in question is not, Whether the Lower-House are bound to hold a Session in their own House at the Time to which the Lords shall adjourn: For (as we said before) we

“dispute

"dispute not but we may be so oblig'd." — And the Author *Ans. p. 19. c. 2.*
 I am now considering, in Answer to the Question, "Whether the House by the ancient Custom of Convocation be not oblig'd to meet the Bishops at the Day which they shall appoint," adds, "I will not say, but they are, if any Synodical Business be then in agitation."

The last of these (you see) *limits* their Obligation of attending to the Days of *Business*. But that is a Distinction without any ground in our concurrent Registers, which shew all along how the Sessions of the Lower-House agree in Day and Hour with those of the Upper, as well when nothing was done in either House, as when Business was in agitation. Besides, an Obligation to attend only on Days of Business, makes the Lower-House the Judges on what Days Convocation-Business shall be done: Which yet solely belongs to his Grace and the Bishops; and the Inferiour Clergy are to presume, that the Archbishop's Continuation to such a Day, was made with an *Intention* to proceed to Business, if no unforeseen Hindrance should intervene.

None of the three Writers acquaints us from whence their compliance with his Grace's Day arises? All of them would fain have it thought, that it comes from their own *Inherent Power* of adjourning themselves, and their voluntary Consent either *tacit* or *express*. But if they have such an *Inherent Power*, it gives them an undoubted Right to consent or not consent as they please; and a Right to *Dissent* from a command at Pleasure, is inconsistent with an Obligation to comply. Either they have an inherent Power to adjourn themselves, and so are not under a necessary *Obligation* to observe his Grace's Day; or they are *oblig'd* to attend on his Day, and that is the Destruction of their Inherent Power. Nor will they be ever able to tell us, why that inherent Power of Adjourning separately, should give them a full Liberty to appoint their *Intermediate Sessions*, and yet in the *Others* leave them under the Restraint and Direction of the Archbishop.

The Author of the *Answer*, unwilling to own that they ever meet in Obedience to his Grace's Adjournment, resolves their Obligation to attend on the Day and at the Hour he appoints, into the *ancient Custom of Convocation*. And how should the Custom be avoided, when his Grace constantly sent down his Schedule of Continuation, and the Clergy (knowing themselves to

Their attendance on the Bishops, not limited to Days of Business.

Their attendance arises not from an *Inherent Power*.

Ans. p. 19. c. 2.
 Nor from the Custom of Convocation.

to.

to be *Included* therein) were always determin'd by his appointment of the Time? Their Meeting therefore on the Archbishop's Day, is indeed *Customary*; but their *Obligation* to Meet arises from that which was antecedent to the Custom and the immediate cause of it, *viz.* his Grace's Authority to Continue the whole Convocation, with the sending down his Act of Continuation to be *Intimated* in the Lower-House. Since therefore the Inferior Clergy acknowledge an *Obligation* to attend at the time to which the Archbishop Continues, they thereby not only disclaim their *Inherent Power*, but own that they are *Included* in his Grace's Continuation, to which alone their *Obligation* to Meet can be justly ascrib'd.

Their
claim to
meet on
Inter-
mediate
Days, con-
sider'd.
Nar. p.
16.

The necessity of their Attendance on his Grace's Day being thus settl'd upon its true Foundation; the next Point (in Order) is the Right they pretend to *Intermediate Sessions*; which the *Answer* and the *Narrative* do both contend for, but upon different Principles. The *Narrative* argues from their general Power of *Adjournments*; the same that on other Occasions they term their *Inherent Power*, and their Power as a House: But that notion is already confuted at large in the beginning of this Letter, and virtually renounc'd by themselves, if bound to obey his Grace's Continuations. To this, and the Reason of the thing (which shall be spoken to anon) they add several Instances, to prove that Business has been frequently done by the Inferior Clergy in the *Intervals* of his Grace's Prorogations. And the Registers of the Archbishop would have afforded them many more; but (it seems) they were tender of giving his Grace's *Domesticks* too much trouble. The Registers they speak of, are those of the Archiepiscopal See, in which all *Consecrations, Institutions, Inductions, &c.* are Recorded: And as his Grace has a Right to place these where he shall Judge them safest and most convenient to himself, so considering the great light they give into the *past* and *present* State both of his *Diocese* and *Province*, he may very well desire to have them at hand, ready to be consulted on all Occasions. Particularly, when the Claims of some of the Clergy in Convocation began to run so high, I hope they would suffer his Grace (whose Authority was immediately invaded) to inform himself from his own Registers whether they had any Foundation in the Practice of former Times. They are deposited in the Library

App. to
Nar. p. 10.
Their not
consulting
the Arch-
bishop's
Registers.

at Lambeth belonging to the See, to which no Scholar is deny'd access; nor could the Clergy of the Lower-House fear a repulse, after his Grace had more than once signify'd to them where they were, and how free they should be to consult 'em as they saw cause. His Grace therefore had done *His* part; and as to his *Domesticks*, it was unkind to suggest in the *Narrative*, that they could so far forget their Duty as to scruple any Attendance or Accommodation, to Persons coming upon an immediate Encouragement from their Lord. But the case (if I mistake not) is thus: These Registers had been examin'd before, and it was well known how opposite they were to their new Scheme: Otherwise, some of the warmer Members would have run the hazard rather of the Civility of his Grace's *Domesticks*, than the Cause's suffering for want of Assistance from thence. Before this complaint was made publick, it ought to have been rememb'r'd, how indecently it would come from those very Persons, who had directly deny'd my Lords the Bishops a sight of their Journal.

You see whose fault it is, that the *Answer* and the *Narrative* abound not more with testimonies of *Business* in the *Intervals* of his Grace's Prorogations. However, that the want of these may be no injury to their Cause, I will own that the Instances to that Purpose are not uncommon in the Registers, either before or since the Reformation. But these Instances must have two Qualifications to make them prove a *Right* in the Clergy to hold *Intermediate* Sessions at pleasure.

1. They must be such Meetings as were held at the mere motion of the Clergy themselves, and by their *Sole power*, and upon *business of their own* depending in the House: because if they came together by command from another person, and consider'd only such business as that Person had refer'd to them; the Instances will only establish his *Right* to require such meetings, and their *Obligation* to debate such matters as he shall recommend. What they contend for, is a *Right* of Adjourning themselves to *Intermediate* Days; but the meeting on such days in *Obedience* to the Archbishop, is not a meeting upon *Their* Adjournment. 2. These Meetings of the Clergy to which they refer us, will not justify the present Claim, except, in those Instances, they met *Synodically* and *as a House*: for thus the *Answer* argues, The Lower Clergy cannot be *Included* in the Archbishop's Continuations: Why? because the Schedule

Qualifications of Instances proving a Right to Intermediate meetings.

dole, by the Clause *in statu quo nunc est*, suspends the Acting of all those Continu'd by it, till such a day; and then, he produces these Instances of business done in the *Intervals*, to show that they did not come under that Suspension, and so could not be Included in the Schedule. But if their meeting upon such business was as a *Committee* only, they did notwithstanding that remain in their Continu'd State; that is, they did no business *Synodically*, till the day prescrib'd in the Archbishop's Continuation.

Upon the first of these, I will venture to challenge them to produce any Instance of business done on such *Intermediate Days*, but by express *direction* from the Archbishop or his Commissary. All that they have brought, and many more that I have seen, are expressly so: and if there ever was an Instance of the Contrary, 'tis strange that no footsteps of it should remain in the *Acts* of either House, and that in the Journals of 1586. and 1588. or the Minutes of 1640. there should be no signs of business under consideration on any such *Intermediate Days*. For even in their two Instances of Continuations to a *Different* day in 1640. no *Business* was done on either of those days; and it cannot therefore be conceiv'd, for what *End* they should *Continue* to them. I know, they object against the Authority of the *Upper-House-books*, as containing the *Debates* of the *Bishops* only: But tho' they say nothing of the *Debates* of the *Inferior-Clergy*, they acquaint us with their *Resolutions* thereupon, as brought up to the *Bishops*: and let them shew us any Matter *Reported* to their Lordships as resolv'd at an *Intermediate Meeting*, the consideration whereof had not first been enjoyn'd by the Archbishop. The *Narrative*, drawing a Parallel in this respect between *Parliaments* and *Convocations*, would insinuate that the *Clergy* consulted in the *Intervals* of *Adjournments* sometimes by *express direction*, and at other times *voluntarily*; and that these *Intermediate Meetings* were as well made use of for *other Business*, and which of their own Motion they were to propose. But in that there is a fallacy: The Question is not what sort of Business the *Clergy* had a Right to propose on a *Convocation Day*; but whether without the Archbishop's Direction they could Debate any sort of Business on an *Intermediate Day*? And their requesting Leave of his Grace to transact such Business as on *other Days* they could

No business ever done on Intermediate Days, but by the command of the Archbishop.

App-to Nar. P. 9.

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enter upon *themselves*, is a plain Argument that they had no right to doe it on *Intermediate* days but as impower'd by the Archbishop.

The Business mention'd in the Narrative, as properly belonging to the Clergy and done on *Intermediate* Days, is, the *Articles of Grievances*: And I deny not, but the Lower Clergy had a general right to propose these in Convocation; especially, when the Redress of 'em was a condition of Paying the Subsidies they granted. But at what *time* and on what *days* these Articles should be drawn up, the Archbishop only determin'd; who best knew what other Occasions he had for the Assistance of his Clergy. I do not remember that Articles of Grievances were ever enter'd upon and offer'd by the Clergy, without previous directions from the Archbishop: on the *Intermediate* Days at least (which is the present consideration) it is not pretended. Nor did he only determine the *Time*, but the *manner* also. Sometimes, he referr'd the doing of it to all the Clergy, and on other Occasions to a *Select Number*. Anno 1377, 2. Id. Nov. he order'd *quod unus Clericus de quolibet Episcopatu dicta Provincia Cant. veniret ad Ecclesiam Sancti Pauli, et ibidem inter se Post prandium dicta diei Jovis deliberarent super petitionibus for mandis de singulis gravaminibus communitur Clerum cujuslibet Episcopatus tangentibus &c.* — Anno 1399. Oct. 8. *Et quia videbatur Domino Archiepiscopo et alijs Episcopis satis difficile, omnes Prelatos et Procuratores Cleri in communi congregare ad concipiendos Articulos ex parte Cleri proponendos, propter hoc deputavit 5 Personas. viz. Mag. Thomam Stowe Archidiaconum London &c ad concipiend. Articulos ex parte Prelatorum et Cleri super quibus pretendunt Ecclesiam et se gravari.*

The *Articuli Cleri* not drawn on *Intermediate* days but when the Archbishop directed.

Registr. Sudbury.

Registr. Arundel.

The framing of such Articles, whether by all the Clergy or a Committee of them, having been thus in the Power of the Archbishop as to *Time*, (particularly whenever they have been consider'd on *Intermediate* days;) that decisive Assertion in the Narrative, without the least proof added to it, is somewhat strange: Although the Grievances were here set upon at the motion of the Archbishop, yet *undoubtedly* the Clergy might have fall'n upon that Work at a fit time without his special Direction. And so likewise tho' the Archbishop here directs the *Intermediate* Time, yet that direction must not be suppos'd to license and to make lawful the use of it, but only

Nar. App. p. 12.

‘to urge and quicken it for dispatch.’ Considering (I say) how many Instances we find of such Articles fram’d, on *Intermediate* Days as well as others, by *express leave and direction* from the Archbishop; it might have been hop’d that the Reverend Persons concern’d in that Narrative would not have so roundly pronounc’d his Grace’s direction *Unnecessary*, till they had produced *one* Instance at least wherein the Articles were enter’d upon *without* it.

The
Clause *Et*
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Forma
Conv.

To Countenance their Claim to *Intermediate* Sessions, both the *Narrative* and *Answer* lay hold of a remarkable Expression in the *Forma Convocationis*; tho’ it is, indeed, a testimony of his Grace’s influence, as to *Time*, over the Debates of the Lower House; *Et statim idem Reverendissimus Anglicē (si placeat) exponere solet ulterius beneplacitum suum, hortando Clerum ut de rebus communibus quæ reformatione indigeant, consultant, & referant die Statuto.* This *dies Statutus*, in their sense, is the day appointed Above for the common Sitting of both Houses, that is, his Grace’s General Continuation: And taking this for granted, they infer that the *Consultations* in order to such Returns were to be held on *Intermediate* Days as the House saw best. But as there is no mention of *Intermediate* Days, so the interpretation of *dies Statutus*, upon which they found their right, is altogether groundless, and the same Phrase in another part of that very *Form* might have taught them so much: After their choice of a Prolocutor, they are there directed to Present him *in die Statuto*; which is explain’d from another *Directory* for the first day’s business, in *Edward the 6th’s* time — *And to present him at a day, by his Grace to be assign’d.* When the Archbishop commanded them to retire and chose their Prolocutor, he always appointed the day when they should Present him. And in like manner his Grace having propos’d business to the Clergy, at his Opening of the Convocation and on other Occasions, usually *prescrib’d* the time of returning their Answers. — *Anno 1529. S. 32* they are required to give their Opinions, & *exhibere in prox. die S. Mercurii* — *Sess. 104. Requir’d quod concipiant Responsa sua in scriptis; & voluit eosdem ad comparandum die Mercurij* — *Anno 1541 Sess. 1. Books* are deliver’d to the Prolocutor &c. to be examin’d, and they are commanded, *referre judicia sua proxima Sessione.* — *Anno 1529. Sess. 98. Assignatus est dies Veneris ad inferendas Opiniones suas super præmissis Responsionibus* — *Anno 1555. Sess.*

Extr. e
Reg. Sup.
Domus
Ibid.

Ibid.
Ibid.

Sess. 2. a Copy of a Diploma deliver'd, and they command-
ed *maturè consulere & referre opiniones proxima Sessione.*

When this *Dies Status* came, and the Clergy had not yet
finisht the business referr'd to them by the Archbishop, they
desir'd and he granted a farther day, which was generally fixt Ibid.
and determinate: Anno 1529. S. 33. *Quo die Prolocutor petijt*
longiorem terminum ad consultandum de &c. Unde Reverendissimus
assignavit horam primam ejusdem diei— Sess. 34. *Intravit Prolo-*
cutor & Clerus dicentes se non habere tempus consultandi, & peti-
runt longiorem terminum, & Reverendissimus concessit horam secundam
eiusdem diei. Sess. 45. *Intravit Prolocutor, & petijt dilationem super*
eisdem Constitutionibus legendis, & Reverendissimus concessit usque in
proximam Sessionem— Sess. 80. The Clergy not being come to a
final resolution, *Reverendissimus respectavit responsa eorundem us-* Ibid.
que ad diem Jovis— Anno 1557 The Prolocutor acquaints the
President that they had not yet fully resolv'd about the Subsi-
dy; *Ideo rogarunt ut alius dies ad deliberandum Statueretur.*

This being the known practice of Convocation, to what
can the words *Referant die Statuto*, in the form of holding it, re-
late, but to the day which the Archbishop should appoint for the
Return of their Answer? So that Dr. Kennet (who is unjustly Occas.
reprov'd by the *Answer*, for making that passage an Argument Let. p. 54
of his Grace's Power in point of *Time*) wrote with his usual
accuracy and judgment, when he put upon the words a Con-
struction to which the Practice of Convocation plainly deter-
mines them.

All the Instances they produce of business done on *Interme-*
diata days, expresse a *Command* from the Archbishop to do it;
and can therefore be no proof of what they contend for, that
the House has a *right* to do it at those times *without* such a Com-
mand. The same circumstance also shows, what comes the
next under consideration, that they did not then meet *as a*
House; not coming together upon regular Continuations, nor
having power to deliberate about any matter, besides that
which his Grace had specially prescrib'd.

If it be said, that they could not meet as Committees, be-
cause not appointed by the *House*; this is not the only thing,
in which their Parallel between a *Parliament* and a *Convocation*
has impos'd upon the World. The difference between these Supra pag.
two, as to *Constitution*, has been shown already; and they are 5. 6.
no less different in their *Ways* and *Methods* of transacting busi-
ness.

Forma
Convoc.

ness. At the opening of a Convocation, the Archbishop usually acquainted the Bishops and Clergy with the General Causes of his Summoning them: *Reverendissimus ad Episcopos et Clerum tunc presentes causam sui adventus ac dicta Convocationis inchoata exponit.*—— And as they proceeded in business and descended to particular Points, his Grace divided the Consideration of them, to the Bishops in the Upper House and the Clergy in the Lower, as he judg'd convenient. In the Upper, he nam'd the Bishops to whom the Points should be referr'd; and directed the Prolocutor from time to time to chose a select number in the Lower, to dispatch the share which he thought fit to assign the Inferior Clergy. All this was by way of Preparation; the Lower house acquainting his Grace and the Bishops, from day to day, with the Progress they had made. But when the Business was ready to be *pass'd* and *enacted*, this was done in the Upper House; whither the Lower Clergy were usually call'd to hear the Instruments read, and to give their consent either *vivâ voce* or by Subscription, according to the nature of the business they then pass'd. And here, as well as in Amendments occasionally made by the Bishops during the *Preparatory* part, the Lower Clergy had a *Negative*; into which they were gradually let by the necessity of having their Consent, in the matter that came most commonly before the Convocation, the granting of Subsidies. But this right of a *Negative* never extended to the *Methods* of Preparing business: nor did the Lower Clergy ever refuse to consider the matters referr'd to them, or to do it in the manner he prescrib'd. His Grace's right, more particularly, to appoint *Committees* of the Clergy, is indisputable. This he executed by an immediate Order to the Prolocutor; anciently, naming the *Members*, but in more modern times, the *number* only, leaving the Persons to the discretion of the Prolocutor and the House. 'Tis true, after the Prolocutor had nam'd the number of Members directed by his Grace, we find the House *Consenting*: But to what? Not to the *Appointment* of a Committee, nor the *Nomination* of such a number (for to these the Prolocutor, empowr'd by the Archbishop, proceeded immediately *without* their consent) but their consent was to the *particular Persons* so nominated, in which the Archbishop had given no directions, but left that point to the pleasure of the House. The Instances of Committees thus appointed by his Grace

Grace's Order, before and since the Reformation, would fill many Pages; but I could never find one clear testimony that the Lower-House (before 1689) did ever appoint a Committee to sit on Intermediate Days without previous direction from the Upper; at least, they never proceeded to the Business for which they were appointed, till confirm'd and approv'd by the Archbishop. The Authority of the Minutes in 1640. will be urg'd against me, because they intimate, with their usual accuracy, that Committees for special purposes were appointed by the House. And this would be offer'd as an *irrefragable* Evidence (the term by which the *Narrative* describes their Authority in another point) but that the Register of the Upper-House assures us in words at length, that they were *Commanded* by the Archbishop to chuse these Committees, and having chosen them acquainted his Grace therewith for his approbation.

However, it is sufficient to the purpose in hand, that the Archbishop has always order'd Committees of the Lower-House, as he saw Occasion; because this shows that the Clergy's Acting on these *Intermediate Days*, not by the Appointment of the House but of his Grace, is at least no Objection against their Meeting and acting in those Cases as a Committee and not as a House. If it be further objected, that his Grace in appointing Committees has usually confin'd himself to a *Select number*, but that in these Instances the whole body of the Clergy were requir'd to Meet; I answer, that sometimes the Prolocutor was left to his Liberty to take to him what number he pleas'd, and might have taken the *Whole House* to his assistance, if he had judg'd it necessary. For (as the *Narrative* Reasons in this very Case) "it is not the number
"of the Persons that distinguishes a House from a Committee,
"but their different Power, and different Manner of Debat-
"ing; and it may so happen, that at one time there may
"Meet in a Committee a greater Number than will serve to
"make a House at another. Besides, that by their Lordships
"own concessions, we have liberty to appoint Committees
"of any Intermediate Number within the whole; and if they
"allow us this, what show of Reason can they offer us against
"a Committee of the whole? I know not what Concessions
their Lordship's either have made or may make; but am sure,
that their granting the Lower-Clergy the choice of such Com-
mittees

Registr.
Epp.

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mittees as we are speaking of, ought to be reputed an Act of Grace and Favour, till they can make their Claim to it appear more clearly. As to the Arch-bishop's Right to appoint Committees of the Whole House, as well as a part, and that also to Meet and Act at an Intermediate Time, I will give them a very full Instance to prove it; on Condition they will not infer from his Grace's Act, a right in themselves to exercise the same Power. It is in the first Convocation of 1640. Sess. 10. under Archbishop Laud: *Reverendissimus Pater jussit Prolocutorem coram se et confratribus suis vocari. Quo Prolocutore, cum octo Decanis eum comitantibus, comparente, idem Reverendissimus eos voluit ad conveniendum die Veneris prox. tempestive, & ad tunc tractandum cum toto cœtu domus Inferioris, circa Benevolentiam sive contributionem voluntariam dicto Domino nostro Regi concedendam, & ut ipsi formam Articulorum in Visitationibus imposterum ministrandorum concipiant.* And then the Archbishop Continues *Convocationem sive sacram Synodum Provinciale in statu quo nunc est, to the same Friday, between the Hours of Two and Four in the Afternoon. It was not then thought, that Convocation-business, as such, did less remain in Statu quo tunc fuit, for that Meeting of the Prolocutor and Lower-House to prepare Business, against the Synodical Hour. Nor was it thought so some hundred Years before, when it was an usual form of Continuation Reverendissimus Continuavit negotium Convocationis, and, omnia expedienda in eadem; by which all Convocation-business, properly so call'd, was certainly suspended till the Day and Hour therein Specify'd. And yet it so happens, that in the Intervals of Continuations under these very Forms, the Clergy have been frequently requir'd by the Archbishop to Meet in a Body and prepare particular Business against the Synodical Day.*

Anno 1356. 23 Maii, the Clergy expressing an unwillingness to comply with the Archbishop and Bishops in the Subsidy, were perswaded to consider of a more favourable Answer usque diem Martis tunc crastinum, and then, *Idem Dominus Archiepiscopus Concilium hujusmodi & expedienda in eodem continuavit in Statu quo tunc fuere — ad diem prædict. Martis.*

Anno 1371. Apr. Admonens dictos Praelatos & Clerum, quod super Petitione prædicta tractarent & deliberarent, Praelati, viz. per se, & Religiosi & Clerus per se. Et dictum diem Jovis ad diem Veneris prox. — quoad tractatum Convocationis prædictæ Prærogavis & Continuavit.

— Des.

Dec. 1. The Bishop of London moves them *ad aliquod competens subsidium in hac parte D. Regi præstandum, & quod super concessione dicti subsidij plenius deliberarent; et tunc præfatus Dominus Archiepiscopus præfatum negotium Convocationis continuavit usque ad crastinum.*

Anno 1379. 16 Kal Jun. The Clergy are enjoyn'd by the Archbishop, *quòd die Mercurij prox. tunc sequente, in dictâ domo Capitulari comparerent simul ante horam nonam, deliberaturi & tractaturi &c. & continuavit hujusmodi negotium quoad comparitionem ipsius et Prælatorum ac Procuratorum Cleri usque in diem Veneris, when the matters they were to consider and prepare, would be Synodically debated.*

— 13 Kal. Jun. Tandem Dominus præfixit dictis Procuratoribus, *ad comparendum in Domo Capitulari, diem veneris post prandium ad plenius tractandum super præmissis, & continuavit negotium dictæ Convocationis usq; ad diem Sabbati prox.*

— Feb. 6. The Archbishop having propos'd Business Prelatis & Clero, *eos admonuit ut inter se tractarent quid esset conveniens dicto D. Regi solvere per eosdem, & continuavit negotium Convocationis prædictæ.* —

These Instances are the more pertinent in the present Case, as happening before the Bishops and Clergy were perfectly separated; when it cannot be pretended that the Clergy were not Included in these his Grace's Continuations, that is, in the Suspensions of Convocation-Business, in the Intervals whereof they treated in a Body by the Archbishop's Order. And it is observable, that the late Narrative builds not the claim of Intermediate Sessions upon any Advantages suppos'd to accrue upon their becoming a separate House; but derives it from the more ancient times, in which these Instances happen'd, namely while the whole Convocation made but one House. But let the foregoing Testimonies determin, whether in those Days they reckon'd such intermediate Assemblies to be Acting as a Convocation, or only preparing Business in Order to the Convocation-Days.

The Author of the Answer offers another kind of Proof, that in these Intermediate Sessions they could not Act as a Committee; because (as he infers from a Passage that neither expresses nor implies any such thing) a Sub-Prolocutor was particularly appointed to Officiate at some of their Meetings in these Intervals. Whereas it does not appear in Fact, that

Nar. p.

23.

The Appointment of a

Sub-Prolocutor consistent

with their acting as

a Committee.

Ans. p.

a 13.

a *Sub-Prolocutor* was chosen for that purpose, or that the Clergy met in that Interval; nor, if both these were evident, would the Prolocutor's appearing at the Head of Them, prove that they did not Meet and Act as a *Committee*.

The Instance he cites, is a Continuation from *Nov. 28.* to *Dec. 7.* in the Year 1554. and a Note in the same Book, intimating the Substitution of a Prolocutor on *Nov. 28.* the Day of Continuation. The Question here is not, whether a Prolocutor was Substituted that Day? But on what *part* of the Day, and to what *purpose*? And may it not be said with greater probability, that the Substitution was made in the Morning and immediately for that Day (as it was in a parallel Instance of 1640. so much insisted on by them) than that he was Substituted on purpose to Officiate at certain *Intermediate Sessions*, when the Register neither mentions nor intimates that there were any such in the *Interval* he speaks of: And yet this Author supposes, that the Substitution was made for that *End*, that they certainly *Acted* in that Interval, and, that they were employ'd about the Business he mentions; with as much Assurance, as if each of these had made a separate Clause in the Register. The only Circumstance upon which he raises all these Facts, is, the Clergy's offering a Petition to the Upper-House *Dec. 7.* and an Order thereupon that it should be presented to the King and Queen: As if that Petition could not have been consider'd and Debated in the Session of *Nov. 28.* or one of those that preceded, and so finish'd on that of *Dec. 7.* Or, as if a *Committee* could not have drawn it up in that Interval, and the House have confirm'd it on that Day. No, he tells us there was a *Sub-Prolocutor* made for that purpose, and it must therefore be a *House*. But granting that he had been Substituted for that *purpose* (tho' there is not the least foundation in the Register, either for that, or their *Sitting* in the Interval,) is he so little acquainted with the Acts of Convocation, as not to know that the Prolocutor was generally at the Head of their Committees, whether of a Select Number (where he was *usually* present) or of the whole House, which he headed particularly in the foremention'd Committee of 1640?

The Sum of our Proofs against their Right to *Intermediate* Sum of Sessions, is thus, That in all the Instances produc'd in favour the Proof thereof, the Clergy met by the express *command* and *dis-* against *rection* of the Archbishop, to consider the particular Matters *are* *Intermedi-* (and none else) that he propos'd to them; and such Meetings *ons*. as were always held by his Grace's Command, can infer no right in the Lower House to hold them *without* that command: That the Appointment of *Committees* of the Lower Clergy was always claim'd and exercis'd by his Grace: That these Meetings in the Intervals could be no other than *Committees*, because they frequently succeeded such Continuations as express an entire suspension of *Convocation-business*: That lastly, the Prolocutor's presence (if the fact alledg'd for that purpose were true) could be no argument that they acted as a *House*, since he was usually at the head of their *Committees* as well as of the *House*.

The next point in order, is their sitting at *Intermediate* The Case of *Hours*; for so the Answer expresses the Right they pretend to *of Inter-* continue sitting and acting as a *House*, after the Bishops are *mediate* *hours*. *separated* and the Archbishop's Schedule is deliver'd to the Prolocutor.

For the Clearer understanding of this head, be pleas'd to remember how particularly it has been shown, that the Inferior Clergy are *Included* in the Archbishop's Schedule, and so Contin'd (jointly with the Bishops) as one part of that *Convocatio Prelatorum et Cleri, hujusmodi Convocatio sive sacra Synodus Provincialis*, which is suspended from doing *Convocation-business*, by his Grace's reading and signing it in the Upper House. And thus much the *Narrative* and the *Publisher* of it have in effect own'd; in professing their *obligation* to attend on the day and hour prescrib'd by his Grace's Schedule. For tho' they foresaw that such a Concession *clearly* made, would as clearly destroy this claim of *continuing* to Sit and Act, and they would not therefore directly *declare* themselves to be *included* in the Schedule; yet the Absurdity of being absolutely *determin'd* by it, and yet not *included* in it, is an Evasion, that (I think) has been sufficiently expos'd, and will not be countenanc'd by any one, who to the Terms of the Schedule (evidently comprehending the Bishops and Clergy) will join the Operation

is than determining the *Time* of the *Lower*, as well as *Upper-House*.

'Tis therefore his Grace's Act that Continues the whole Convocation ; and the Notice of that Act transmitted to the Lower-House by a Schedule Sign'd and Attested, is a legal signification that all *Convocation-Business* is Suspended, and that they (as *Members* of that Convocation) are put under a restraint from pursuing it till the day specify'd. For the share which the Prolocutor has in giving that Notice, is not to pronounce a Continuation *to be made* after the Schedule comes down, but only to declare that a Continuation *is made* already. The necessary and immediate Consequence of which, is, that they being a part of the Convocation so Continu'd, are under an Incapacity to act longer at that time, as a *House* or in a *Synodical* Way. Accordingly, the Prolocutor's Intimation is of a thing *already done*, *Prolocutor intimavit hanc Convocationem esse continuatam, hujus Convocationis Continuationem esse factam, &c.*

Upon this Foundation (and this I take to be the only true and legal one,) it is evident that the Inferior Clergy are not capable of sitting as one of the two Houses of Convocation, after the notice of his Grace's Act Above comes down to them in an Authentick Schedule. But yet Custom having in all those Matters so great an influence over the meaning of *Words* and *Phrases*, I could easily recede from these Explications (however plain and natural) if they appear'd to be contrary to the known practice of Convocation. Thus much, indeed, the Author of the Answer roundly affirms, ' It is unquestionably true, that the Usage of the Lower House has been to sit, treat, and act, after the Upper was risen': and it were well if his proofs were as positive as his Assertion. The two Instances he produces are in the year 1529. *Nov. 8.* and *Nov. 15.* where the Archbishop commands the Prolocutor and Inferior Clergy to go down to their House and to treat of particular business ; which directions are *immediately* follow'd in the Register by Continuations to a further day. But he cannot infer, because nothing intervenes in the Register between the *Directions* and *Continuations*, that therefore the Continuations were *immediately* made after the Directions
so

The Instances he produces don't infer a right to sit after the Schedule come down.
Answ. p. 11.

so given. The Archbishop and Bishops may have many and long Consultations about the General Affairs of the Church, which do not properly come into the Register; as being no more than *occasionally* mention'd, or propos'd only for Mutual Advice, and not to be treated of in a Synodical Manner. Such Debates we may imagin those to have been, which the Register of 1640. so often expresse, between the Prolocutor's going away and his Grace's Continuation, in these or the like general Words, *Dimisso Prolocutore, & habito tractatu cum Confratribus, Reverendissimus &c. continuavit &c.* And there is the more room to suppose such Conferences, tho' no Notice be taken of them, in these Acts; which are only *Extracts* of the most material Passages on each day.

This Supposition is (I think) natural enough; but waving that, and taking it for granted that the Continuation was made *Immediately*, the business they are suppos'd to do in both these Instances, was enter'd upon by the express *direction* of the Arch-Bishop. And it is therefore so far from proving a power in the Lower House to continue sitting at pleasure, that (as I observ'd upon the point of *Intermediate* days) it infers a *Right* in the Archbishop to require their preparation of Business, and an *Obligation* upon the Clergy to proceed in it at such times and in such Methods as his Grace shall prescribe.

The Narrative refers us to certain Sessions in the Convocations of 1640. where nothing was done in the *Upper-House* besides a Continuation by the Archbishop's Commissary; but in the *Lower-House* Business was dispatch'd *that could not but take up several Hours*. From whence they conclude, that this business must necessarily have been done *after* the Commissary had Continu'd the Convocation: tho' I don't see why we may not as fairly suppose that it was done *before* the Commissary came, and defer'd to a further day (as it was several times) upon his Continuation. But we need not rest in *Suppositions* on either hand, since the *Register* and *Minutes* compar'd, afford us so clear a relation of this matter.

When the Publick disturbances grew high, and it was no longer safe for the Bishops to meet, the Archbishop in the Session of Nov. 14. 1640 sent for the Prolocutor, and six of the Lower Clergy, and required them and their Brethren to proceed to the Examination of certain controverted *Elections*.

The Instances from 1640 no argument for *Intermediate hours*.
Nar. p. 19.
et App. p. 3, 4, 5.

The Business of the Lower House in 1640 was done in *Committees* only.

Reg. of
Upp.
House,
Sess. 3.

All their
proceed-
ing then,
in a judi-
cial Style.

Answer P.
7. C. 1.

in their House. *Reverendissimus accessit fecit Dominum Prolocutorem & sex alios Domus Inferioris. Quibus comparentibus, Reverendissimus eis significavit quod ipse audivit esse quasdam discrepantias inter quosdam Clericos citra eorum Electiones, & voluit eos ut ipsi & alii dicta Domus easdem examinerent & determinarent juxta Juris Exigentiam & Consuetudines cujuslibet Dioceseos, donec aliter ordinatum fuerit.* The Archbishop and Bishops came together no more; but the Prolocutor and the other Six, with the rest of the Lower Clergy (whom they were directed to take to their Assistance) being thus empow'd by his Grace, proceeded in the business which he had refer'd to them. They cited the Parties, enquir'd into the Customs of the several Dioceses, and examin'd Witnesses thereupon. This, which is the only Business pretended to be done from time time after the Rising of the Upper House, was carry'd on sometimes on the Days of Convocation, and sometimes on intermediate Days; because however they might chose to meet on his Grace's Days (when they were otherwise oblig'd to attend as a House, to receive the Commissary's Continuation,) yet they knew themselves not to be Continu'd in that particular Business to the Times specified in the Schedule. For they proceeded in a Capacity that could not belong to them as a Lower House (in which relation alone they were Continu'd) but in a Capacity which they had by immediate Commission from his Grace, that is, a Judicial one. And so the whole Proceeding runs in a Judicial Style; *Comparuerunt Tuckney & alii — Comram Dominis Prelatis & Cleris Domus Inferioris, &c. Comparuerunt —* Two Persons deputed to be Plaintiffs presented their Petition, & *allegarunt sese fuisse & esse legitime deputatos pro prosecutione hujusmodi Negotii — Domini statuerunt ut partes hinc inde introducerent eorum Consilium, & allegarent ea que fuerunt & erant maxime conducentia ad rem propositam — Domini declararunt se velle finem huic negotio imponere die Sabbati — Instanter petierunt Revisionem sive Re-examinationem dicti Negotii, & ad interponendum finale judicium in prox. &c. — In Supplementum probationis alias facta produxerunt Doctorem Thompson, &c. —* All this is evidently the Language of a Judicial Proceeding, where several Persons appear to be Judges as Commissioned by the Archbishop: And the Notary (being so great a Master of his Business as the Answer makes him)

him) chang'd his Convocation-Style into that which was more proper to a Commission, *Domini declararunt, Domini decreverunt, Domini continuerunt, &c.*

In this Opinion I am the more confirm'd from the first Convocation of 1640. to which they refer us for another Instance of Business done after the Bishops were Risen. In the Minutes *Apr. 25. Apr. 29. and May 2.* the word *Domini* is us'd; and not elsewhere in all that Convocation. Turning to the same *April 25.* in the Register of the Upper-House, I find a Committee of the Upper and Lower-House directed to proceed to the Examination and Correction of the *Subsidy-Bill.* The two following Sessions of *April 29. and May 2.* (while, we may suppose, the Committee were preparing the Bill) the Archbishop and Bishops did not meet, but the Convocation was Continued by His Grace's Commissary. After the Session of *April 25.* was over, the Committee seems to have met the same Day, attended by the Actuary; who in the Conclusion of their Business for that time, set down the Appointment of a further day, as made by *Them.* And this is evident to me, from the Distinction he has put between the *Business* of the Day, and that *Continuation.* Such things as were done that Day in Convocation, are first related; and whereas (according to the Account of my first P. 6.col. 14 letter) in some other parts of those Minutes the Continuation of the foregoing Day is joyn'd in the same Line with the Acts of the next; here, the Continuation of the same Day is put down in a distinct Paragraph, at some Distance, with a Line drawn between that and the *Convocation-Business* of the Day. The next Continuation (to *May 2d*) is also shut up within two Lines; and the third, to *May 5th* concludes the Page. The Committee (if they had Occasion) could have sat no longer, all things being put into Confusion, by the sudden Dissolution of the Parliament, that Day. After this, as we Meet with no such Distinctions by drawing of Lines, so neither with that Mention of the *Domini*, in Continuations, or any other Case. And since such *Distinctions* and *Singularlity* of Expression, must imply something uncommon in the Matter so Distinguish'd and Express'd; I know no way by which it can be accounted for with

with so much probability, as this of the *Committees*; especially when in another Convocation of the same Year, the self same Actuary applies it so remarkably to Persons Commission'd by his Grace.

Hitherto, we have consider'd what our Author calls their
 Minutes of 1640. *Presumptive Proofs*; from which he proceeds to the *Positive*
 of no Authority in Matters of Form. Evidence of the Lower-House's Power, not only to *Sit* at
 Answ. p. 12. col. 2. Intermediate Times, but even to *Adjourn* it self to them.
 Let. 1. p. 6. col. 1. This Evidence is lodg'd in two Instances from the *Minutes* of
 1640. which I respresented in my first Letter as a *loose, hasty, inaccurate Scribble*, but did not pretend by any *Description*, to
 give you an Opinion of 'em as mean as they deserve; which makes me still wish (as I did then) that you could be an *Eye-Witness* of the Confusion and Unaccuracy of them. For (to repeat an Expression I formerly us'd) I am sure you'd wonder upon what secret Ground they have been rais'd of late to the Reputation of a *Record*; and would vehemently suspect a Cause, that is forc'd for its chief support to have recourse to Evidences so dark and exceptionable, and to Times of such Confusion and Difficulty.

The Instances being so few, I don't wonder to find the Author of the Answer (who seems to love a *desperate Point*) endeavouring to *Multiply* them. Speaking in the Letter, of Prorogations to *different Days*, I observ'd the Instances thereof to be but *Two*, i. e. to *May 9.* in the first Convocation and to *Dec. 23.* in the second; which I took to be a fair and easie reckoning. But (says the Answer) *with his leave, these two are really four, each Instance carrying in it a double proof of the Clergy's Claim or Exercise of a Power to Adjourn themselves separately from the Bishops*: When he knows, that these two are produced purposely to serve the Claim of *Intermediate Sessions*, or (in his own Words at the Entrance upon that Head) *as Evidences of the Lower-House's Power not only to Sit at Intermediate Times, but even to Adjourn it self to them*. Their claim to *separate Adjournments* in general, has been already consider'd at large; and as for *Adjournments to Intermediate Days*, not knowing how to improve these

Minutes
of 1640.
of no Au-
thority in
Matters of
Form.

Answ. p.
12. col.
2.
Let. 1. p.
6. col. 1.

P. 5. c. 1.

Answ. p.
13. c. 1.

Answ. p.
12. c. 2.

these two Instances into more than two single Evidences, I will now proceed to my *Exceptions* against them.

The *Narrative* and *Answer* (conscious of their want *Answ. p.* of *Numbers*, and willing to make the most of those they 7. c. 1. have) are very Zealous in maintaining the Authority *Nar. p.* of the *Minutes* and the honour of the *Actuary*. As for 34, 35, &c. the *Person*, I have nothing to say against his *Skill* or *Abilities* in general; nor in this particular Case do I insinuate any thing, that can be thought a real Prejudice to either; since it is so ordinary for the ablest Men in their way to take such short hints for the Assistance of their own Memory: but these (how confus'd soever they appear to others) are never made the measure of their real *Abilities*. On the contrary, there is the less need that such Notes should be full and distinct, by how much the greater Knowledge and Judgment the Person hath of the Matters he is Noting. So that the Author of the *Answer*, and the *Narrative*, could not have fallen upon a more unhappy way of gaining Credit to the *Minutes*, than by representing the *Actuary* (who was afterwards to put them into form) a *Man of known Skill and Ability in his Time, and well acquainted with the Forms of Convocation*. His entire Acquaintance with the *Forms*, was a good Reason, why he should either wholly omit, or carelessly express them; being able to add these out of his own Knowledge, when he came to digest the Acts of the Day. I deny the *Minutes* no Authority that can be fairly allow'd to the *short Notes* of an *Actuary* perfectly acquainted with the *Forms*, and so taking such Hints for the Assistance of his Memory in the *Substance* of what pass'd. But when these are urg'd as a Measure of the *Forms* of Acting; when they are also set in Opposition to exact Journals, in which the *Forms*, as well as the *Substance*, are enter'd distinctly and at large; and when it is contended that such entire Journals are to be interpreted in conformity to these *Minutes*; then (I hope) their Authority so extended, may be fairly call'd in Question. Nor is it any Disparagement to the Writer of 'em, that they are deny'd to be a *Rule*, in those Respects wherein he did not intend them for one, I mean, the *Forms* of holding and acting. The *Narrative* therefore might *Nar. p.* have spar'd that Comparison between *Registers* and *Minutes*; 35. because .

because no body despises the *Minutes* any farther than as they are vouch'd in points of *Form*; and (I hope) in that respect at least, a Register in which the Forms are distinctly enter'd and so frequently repeated, will be allow'd an Authority somewhat greater.

Unaccuracy of the Minutes in ascribing things to the Lower House, which were certainly done by direction from the Upper.

Ans. p.

7. c. 1.

Ans. p.

6. c. 2.

The *Answer* would infer an Accuracy in point of *Form*, from his Entry of the Archbishop's Continuation under his Grace's Name, when the two Houses were together, and upon no other Occasion. Which imports no more, than that it was natural to make such Continuations the *Act* of the Person by whom they were immediately declar'd; and because the Archbishop declar'd this alone to the Lower Clergy, therefore no more were enter'd in his Grace's Name. Upon which, and his ascribing (as is pretended) a Continuation to the *Prolocutor*, I cannot omit an Observation I have made of this Actuary's representing things as done by the Power of the House, for no other Reason but because they were debated or concluded in it.

Sess. III. 14 Conv. 1640. The Words of the Minutes are as follow; "It was thought fit by the House, that a Prayer for this present Parliament be made." The Register of the Upper House (Sess. III.) speaks thus: "*Et ut Deus, bonorum omnium largitor, hoc prasens Parliamentum ita disponderet, &c. prasatus Reverendissimus Dominus Archiepiscopus de mandato Regis voluit divinam Dei gratiam implorari, ac formulam precum ad eundem effectum per duos doctos & graviores viros ad hoc per Dominum Prolocutorem, cum consensu totius Cætus dicta domus eligendos, concipi* — The *Prolocutor* returns presently after to the Upper House, and acquaints the Archbishop that He with the Consent of the House, had nominated *Bromley* and *Oliver* for that purpose.

Sess. III. Committees for the Viewing of Subsidies ———
Sess. V. The Rules for Silence in the framing of Canons ———
are both enter'd in the Minutes, in such a manner that every body must conclude them to be the *Sole Act* of that House ———
But the Register of the Upper-House shews the Contrary. As to the Committees, Sess. III. the Archbishop

Name

names three Bishops in *Examinatores & Correctores libri Sub-*
fidiarum, & voluit Prolocutorem & totum Cœtum Domûs In-
ferioris ad eligendum quatuor vel sex graviores viros de gremio
suo ad idem negotium cum dictis Reverendis Patribus expediend.
 Accordingly, they retire, chose Six of their Members, and
 acquaint the Upper-House with their Choice: *Quam electio-*
nem Dominus Archiepiscopus & Confratres sui approbarunt. And,
 of Silence in their framing of Canons, Sess. 5. *Et ulterius pro*
meliori expeditione negotiorum hujus sacra Synodi, idem Reve-
rendissimus cum consensu & assensu Confratrum suorum ordina-
vis quòd nullus Episcopus aut aliquis è Clero Copiam Canonis aut
partis Canonis proposituri & tractaturi exscribere aut de aliquo
hujusmodi Canone foras fabulare presumpserit — sub pœna
Suspensionis cujuslibet è Clero. — Then, the Prolocutor, &c.
 coming up, *Reverendissimus declaravit istum Actum Synodicum,*
 & voluit eundem Dominum Prolocutorem ad declarandum istum
 Actum toto cœtui dicta domûs.

May 13. *Consensum fuit, ut duodecim è dicta domo eligantur*
pro examinatione Canonum; say the Minutes of the Lower-House.

— May 13. in the Upper-House Register, *Reverendissimus*
 (speaking to the Lower-House) *voluit ut pro meliori & celer-*
iori istius negotij expeditione, quosdam graviores & doctiores
viros de gremio suo eligerent, dictum negotium de Canonibus con-
cupiendis subituros. Upon which, they chose a certain num-
 ber of their Members, that Choice was notify'd to his
 Grace according to Custom, and the Names of the Persons
 chosen are enter'd in the Register of the Upper as well as in
 the Minutes of the Lower House.

The Actuary, without doubt, knew all these things to be
 done by his Grace's immediate Order, and did *express* that
 Order, if he proceeded, according to Custom, to draw up
 his Minutes into Regular Acts. But nothing remains to us
 besides the *Minutes*; and if these must be an infallible Guide,
 in the *Form* as well as the *Substance*, of what pass'd, 'tis ob-
 vious from these Instances, that the just Power of the Upper-
 House over the Proceedings of the Lower must diminish
 apace. Had not the Bishop's Register of 1640. been casu-
 ally preserv'd when the rest were burnt, the same Persons
 who now dispute his Grace's Right to *Continue* them, would
 probably have disputed his Share in the Appointment of
 their Committees.

The Mi-
nutes not
Attested.
Lct. 1. p.
6. c. 1.
Answ. p. 7.
Col. 1.

I am corrected by the *Answer*, for saying in my first Letter that these Minutes are attested by no body; when yet (says the Author) in the very first Page of them, the following words are to be seen, *In præsentia mei, Willielmi Fisher, Notarij Publici, written in the same hand with the rest of the Book; which therefore are a formal Attestation of the whole.*

What he affirms to be in the very first Page, on purpose to make that *Attestation* look like a Title to the whole, and so have a general Influence; is in the second Page, and appropriated to the Continuation of the fourth Session, at which we are therefore assur'd the Notary was present. But how the Minutes of all the Other Sessions were taken, whether in the House or out of it, on the same day or some days after, we cannot tell. This Writer might have known the meaning of a *formal Attestation*, from the Journals of 1586. and 1588. where it is expressly said in the Title of each Session, what Publick Notary or Notaries were then present. *In præsentia Edwardi Say & Thoma Barker; In præsentia Johannis Coston & mei Thoma Barker; Prasente Thomâ Barker.* For the assurance that the Acts of each day were enter'd by the Notary on the very Spot, is the Chief circumstance from whence they derive their Authority: And these Minutes do not only want that corroborating circumstance, but have some others which the Answer denies not to give Suspicion that he enter'd some things upon Memory. And if in any case he allow'd himself that liberty, where is there greater probability of his taking it, than in the Entry of Continuations at Times when no business was done in either House? as it hapn'd on *May* the 5th, and *Decemb.* 19, the two Instances in which the Continuations of the Minutes differ from the Upper-House Register, in point of Time.

No busi-
ness done
on the 2
Intermedi-
ate days.

And besides the Probability of his entring them upon memory, and so by an easie Error mistaking the Days; it is an Exception against both these Authorities, that no *Business* was done on either of the Intermediate Days to which they Continu'd; When yet there is no other Pretence or end in the present Claim of Intermediate Sessions, besides the Preparation of *Business* to be laid before their Lordships at the next common Meeting. If such Meetings had been the Custom of Convocation, and these two were regularly enter'd; might we

not have expected many more *Preparatory Sessions*, at times when the Lower Clergy were engag'd in business of Moment and Difficulty? But no such difference as to Time appears, either in 1586 or 1588, or the Convocations of 1640. saving these two Instances, when no business was done; which makes them an uncommon kind of *Preparatory Days*.

This Author may suppose as many *Incoincident Adjournments* as he pleases, in the Act-Books that are lost: But it would be a better mark of a peaceable and unprejudic'd mind, to acquiesce in the clear and current testimonies of so many *Coincident Meetings*; than to support two very exceptionable Instances in the Books we have, by a precarious Supposition that there might possibly be more in those we have not. In all other cases, where men are dispos'd to reason impartially, and find an Instance or two varying from the general rule, that very deviation is thought such a presumption against the truth and accuracy of it, as gives a more than ordinary force to every Conjecture by which it may be reconcil'd to Common Usage. And when a number of Probabilities is offer'd (in matters that admit of no other Evidence,) an unbiass'd man does not separate them one from another, as this Author has very unfairly done, but considers them in their *united strength*; and then tries whether two Instances, under such disadvantages, will warrant an Opposition to *Establish'd Practice*; that is known to be such, ever since the Memory of Man, and as far beyond that as the Remaining Records will carry us.

The *Narrative*, to remove this disadvantage, observes that we have no *concurrent Books* of the Upper and Lower-house, except in the two Convocations of 1640. To these the *Author* of the *Answer* adds the series we have of the Archbishop's *Schedules*; which compar'd with Mr. *Mundy's Minutes*, show the agreement of *Continuations in Time*, as distinctly as the most exact Registers could do. But neither of the Authors is willing to own any assistance of this kind from the *Extracts* out of the *Upper-house Books* in 1586 and 1588. because the *Continuations* there mention'd *concur in time* with those of the Lower-house. We have indeed, says the Author of the *Answer*, a *short Abstract or Index of the Bishops Journal in 1586 and 1588. and the compleat Acts of the Lower-house in these years.* But the Sessions in the *Abstract* are not so clearly taken, as to leave us without a doubt whether in every Instance both Houses concur'd. No, not in every

But two Instances against so many to the contrary, renders them suspicious.

Answer. p. 13. c. 1.

every instance, because in every one, the day of meeting is not mention'd ; but it is express'd in more than 20 instances, and in all these the Adjournments of the Lower-house concur with those of the Upper. Add to this, that the *Number* of Sessions in the Books of the 2 Houses is the same ; which, supposing *Intermediate* meetings, they could not have been ; and therefore, even such of the *Sessions* and *Adjournments* as mention no day, help to make up a full proof against *Intermediate meetings* in these two Convocations.

Rights &c.
p. 647. 2.
Ed. Ibid.
602.

The Author of the *Answer* may disparage this Abridgment of the Upper-house Books, because their *Reputation* is not for his purpose in this place ; but he must give me leave to take Dr. Aiterbury's word (whose property that Abridgment has a good while been) before his or any other Man's. The Doctor ushers in an Authority from it, in these words, *For thus speaks a good Abridgment of the Journals of the Upper-house.* And again, upon an occasional mention of the Upper-house Acts in 1586, *Tho those of Canterbury have perish'd, yet the Abridgment I have of them is full and particular ; giving an account of the Acts of this Convocation, and of the Instruments contain'd there, day by day, and leaf by leaf.* Let the Author of the *Answer* consider, how his short *Abstract* or *Index* agrees with Dr. Aiterbury's full and particular *Abridgment*, day by day. Whatever defects there may be in other points, an Abridgment taken day by day should seem to deserve a greater regard in a question about *Sessions* and *Adjournments* from day to day.

To return to the Minutes. The fore-mention'd Exceptions against the Authority of these Minutes, equally affect both the Instances ; and the doing no business on either of their *Intermediate* Days, should render them suspicious to those, who are contending for such Sessions, upon a Supposition of the necessity thereof to prepare Business for the Upper-House. Add to these, the known Custom of Continuing by a Schedule, wherein the Lower Clergy are prov'd to be Included ; and thereby all Meetings, as a *Convocation*, to be *Suspended* : together with the *Singularity* ; but two *Intermediate* Sessions, against a current usage, attested either by *Memory* or *Record*.

These are *general* Exceptions ; besides which, each of the two Instances is attended with many *particular* ones, arising as well from the remarkable *Difficulties* of the *Times* in which they hapned, as the *Singular* Circumstances under which they appear in the Minutes.

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That of December 19. shall be first consider'd, because of its relation to the Remarks I just now made upon the Style *Domini* in the Minutes. This Instance happen'd in the midst of such miserable Confusions as broke all Order both in Church and State; such also as more *immediately* affected the Archbishop and Bishops, to that degree, that after *Nov.* the 14th they did not think it safe to *meet* in Convocation.

Nov. 4. The Convocation met.

Nov. 9. The Commons entertain Petitions of Grievances from all parts of the Realm. Among the Grievances as represented in the House, one is, Bishops challenging their Jurisdiction to be appropriate to their Order *jure divino*.

Nov. 28. *Pryn, Burton* and *Bastwick* (who had been Censur'd in the Court of Star-Chamber for Libels against the *Hierarchy*) brought to London in Triumph.

Dec. 11. Alderman *Pennington* Exhibits a Petition against Episcopacy and Church Discipline; subscribed by 15000 Hands; and thereupon many Speeches against the Bishops, in both Houses.

Dec. 15. The Canons of 1640. condemn'd.

Dec. 18. Archbishop *Land* Impeach'd, and taken into Custody of the Black-Rod, in whose Custody he remain'd a Prisoner till *March* the 1st, and was then sent to the Tower.

Dec. 19. The Bishop of *Ely* (*Dr. Wren*) Impeach'd of high Treason ——— Upper-House Continu'd to *Jan.* 13. Lower-House to *Dec.* 23. and from thence to *Jan.* 13.

Practices that take their Rise in such distracted Times, and die with them, are not usually allow'd the Authority of *Precedents*; much less to supersede the settled Usage of more peaceable Reigns. The Author of the *Answer* would hide the force of this Argument by an odd Digression, about the improbability of Doctor *Steward's* or the rest of the Clergy's *encroaching* at that time upon Archbishop *Land*. When no Body had suggested any such thought, or once suppos'd it to be done with *Design*. It had been on-

ly infer'd from the Difficulty of the Times, that the Clergy (the only part of Convocation who durst Assemble) might very probably have some extraordinary Occasion to come together, about the common Necessities of a distress'd Church. And in those Circumstances, it is no wonder to find a form of Continuation, that implies a probability of some unforeseen Accidents that might oblige them to meet *before* the time Appointed: Such is that of *December* the 19. (the Adjournment under our present Consideration,) *Sub protestatione de revocando actum predictum, casu quo necesse fuerit interim*, made at a time when there was no *Upper-House*, and not to be met with at any other Juncture in the Books of the *Lower*. All therefore that he has said, p. 15. Col. 2. is mere Amusement; the evident drift of this Argument from the Difficulty of the Times, being thus; That under such *Confusions*, extraordinary *Liberties* are taken and allow'd, in compliance with evident Necessity; which were neither us'd before, nor can reasonably be drawn into future Practice. Let us suppose some particular Members of any other Society, to claim an Exemption from their Superiors, upon an obscure Precedent or two, at a time when all things were in Distraction, and those Superiors under confinement (the Constant Usage, as attested by the Memory of Man and all remaining Records, appearing to be contrary:) can we think that such a Plea would find Encouragement in our Courts of Justice, or rather be rejected with the Resentment it deserv'd.

The other Circumstances insisted on in the *Letter*, have their force in Conjunction with this *Difficulty of the Times*; which takes away the Authority of a *Precedent*, tho' it were evident that they Continu'd, and met upon that Continuation, as a House. But there is one Circumstance behind, that (I think) puts the Matter out of Dispute. It is, the Style of the Continuations both of *Dec. 19.* and *Dec. 23. Domini Continuarunt*: And I have shown before, that the Title *Domini* throughout this Convocation, is appropriated to the Members of the *Lower-House*, who had receiv'd a general Commission from the Archbishop to make a *Judicial* Decision of certain Differences about *Elections*; and who, in virtue of such Commission, had liberty to settle the Continuations for that purpose, according to their own Pleasure and Convenience.

The

The other Instance of Continuing to a separate Day, is altogether as exceptionable; chiefly, in regard to the *Time* when it happen'd. For not to insist upon the Circumstance, That no Business was done on the Day to which the Continuation was made (very disagreeable to the new Claim of Intermediate Sessions, upon the single Consideration of *preparing Business*) this *useless* Adjournment could not have fallen out at any juncture more prejudicial to its Authority. My Opinion of it is the self same, as when I wrote my first Letter; and for a good Reason, because the Account I then gave is plain Matter of Fact, which never varies. 'May 5. 1640. both Houses sat. The Register of the Upper House says, The Archbishop's Commissioner prorogu'd the whole Convocation to *May 9.* and from thence by another Act to the *13th.* By the Minutes of the other House, the Lower Clergy Continu'd from *May 5.* to the *8th.* and so to the *13th.* The first Continuation *short* of the Archbishop's Prorogation; the second, *beyond* it.

The Continuation of *May 5.* altogether as exceptionable as the other.

First Let. p. 5. col. 1.

But if with these you compare the History of the Troubles and Trial of Archbishop *Laud*, p. 79. Dr. *Heylin's* Life of Archbishop *Laud*, p. 429. and *Fuller's* Church History, p. 168, 169. you will be convinc'd how little Stress is to be laid upon Precedents in a time of so great confusion as this was. *May 5.* the Parliament was dissolv'd; and 'twas generally suppos'd the Convocation would be dissolv'd the next Day, according to Custom. But the King, desirous to have the Grant of Six Subsidies which the Clergy had begun, consulted the Lord Keeper *Finch*, and was told, That the Convocation might legally continue to sit, notwithstanding the Dissolution of the *Parliament*. With this his Majesty acquainted the Archbishop *May 6.* and commanded him to go on with the Convocation. But his Grace finding that their Authority of sitting after the *Parliament* was question'd by several of the Members, desir'd his Majesty that his Learned Council might be directed to deliver their Judgment upon it; which they accordingly did, That they were still a Convocation. And the first Commission being limited to that Session of *Parliament*, a new one bearing date *May 12.* was issu'd, and brought in *May 13.* when, according to the Journals and other Histories, the Two Houses were setled again, and proceeded to Business: ——— So we proceeded (says the Archbishop)

‘ bishop) according to the Power given us under the Broad Seal.
 ‘ And Dr. Heylin, Encouraged by the Resolutions of the King’s
 ‘ Council, and a new Commission, they settled to their Work again
 ‘ on Wednesday the 13th. And Fuller, Now their disjointed
 ‘ Meeting being set together again, they betook themselves to con-
 ‘ sult about new Canons.

‘ In the mean while, during these Doubts whether or no
 ‘ they were a Convocation, they frequently came together,
 ‘ tho’ neither the Register nor Minutes take any notice of it.
 ‘ Fuller, who was a Member, says, they met May 6. —
 ‘ Next day after the Dissolution of the Parliament, the Convoca-
 ‘ tion came together — and Dr. Heylin tells us, The Convoca-
 ‘ tion was adjourn’d from Wednesday (May 6.) till the Friday
 ‘ following (May 8.) and then till the next Day after (Saturday,
 ‘ May 9.) and so till Monday (May 11.) On all these Days the
 ‘ Bishops and Clergy met; not with a design to Act as a Con-
 ‘ vocation (for they knew not yet whether or no they were a
 ‘ legal Convocation, and were sure that the Old Commission
 ‘ expiring with the Parliament, they had no Power to proceed
 ‘ in the Business for which his Majesty continued them;) but
 ‘ they came together to consult what was fit and proper to be
 ‘ done at such a difficult Juncture. And the confusion they
 ‘ were in, with the uncertainty whether they were a legal
 ‘ Convocation, is the plain Cause why their Proceedings, par-
 ‘ ticularly the times of Meeting and Continuing in that Inter-
 ‘ val, are so imperfectly set down, both in the Journal of the
 ‘ Upper House and the Minutes of the Lower. But being sa-
 ‘ tisfied of the legality of their sitting after the Parliament,
 ‘ and their Power to proceed in virtue of the New Commission,
 ‘ they then return’d to their usual Forms and Methods, as
 ‘ well of Acting as Registring.

The Publisher of the *Narrative*, and the Author of the *An-*
swer, concur in an intricate Reply to this plain History. They
 plead to this effect, That the Surprize they were under, could
 not make the Prolocutor forget what he did; That the greater
 the Difficulties were, the more unlikely was it that they
 should attempt any illegal Steps; That this was an ill time
 for the Lower-House to endeavour an *Enlargement* of their
 Privileges; That no private History ought to be set in Oppo-
 sition to the Testimony of Original Acts: with much more of
 the same Strain. When I was so far from reckoning this a
 Design

Answ. p.
13. col. 2.
Nar. p. 37.
& App.
p. 23.
The Answ.
Ev. evade
the force
of this Hi-
storical
Account.

Design in the Lower Clergy to enlarge their Privileges, that you see I wholly refer that Confusion in their Proceedings to the *Difficulty* of the Times. Nor did I impeach the *Fidelity* of the Notaries in either House; but, on the contrary, by showing the *Uncertainty* whether the Convocation was *legal*, I clear'd them from a Suspicion of unaccuracy in the computation of their Sessions, that is not otherwise to be taken off. And the use I make of the three contemporary Historians, is not (as these Writers style it) a *Confronting* original Acts with private Histories; but an Explication of some *Circumstances* in those Acts, that appear singular and unaccountable till compar'd with the condition of Affairs in Church and State.

To find that the Clergy met on *May 8th.* without the Bishops, and the Bishops without the Clergy on *May the 9th,* must be very surprizing, to one who after diligent Examination never read or heard of any such *Separation* of the Synod. And a recourse to Contemporary Writers being the surest way of unfolding such Difficulties, could I make choice of any, more authentick in this Case, than Archbishop *Land*, Dr. *Heylin*, and Mr. *Fuller*? They were Eye-Witnesses, and Actors, and have left us distinct Accounts of what they saw and did, at a time when the Clergy were debating whether they could be a *legal* Convocation, and when the Notaries (in doubt whether those were *Convocation-Meetings* or *Debates*) made no particular Entries of the Passages in either House. The Answer acknowledges the meeting of both Houses on *May 6th.* in a *regular* way; but gives no Account why that should not be enter'd in the Act-Books of each House. The Publisher of the Narrative (to avoid the Absurdity of the Bishops sitting without the Clergy on *May 9th.*) makes the Lower House adjourn to *May 8th,* in Order to debate among themselves, *What was fit to be done, Whether they should venture to sit on; and if not, to draw up the Reasons for refusing, against the day following:* But he leaves the *Minutes* to answer for themselves, why nothing appears in 'em of a *Session* on *May 9th, the Day following;* or if the Lower House did not meet the Bishops that Day, but adjourn'd from the 8th to the 13th, why that Instance is not as good a Testimony for Continuations beyond the Archbishop's Day, as *within* it.

These, added to the strangeness of Continuations to different Days, are Difficulties that nothing can clear, but the assurance

A comparison with Contemporary Historians, the proper way of finding out the Truth.

App. to Nar. p. 21

The Confusions in which the Clergy were, upon their continuing to sit after the Parliament. Troubles and Tryal, p. 79. Life of AB. Laud, p. 402. Church-Hist. An. 1640.

Ibid.

rance we have from the foremention'd Histories, that the Clergy doubted all that while whether they were a legal Convocation. His Majesty's Resolution that they should sit after the Parliament, was a *Surprize* to the Archbishop, and much more so to the rest of the Members. When he desir'd a *Writ* to dissolve them, *his Majesty gave him an unlookt-for Reply*—*And* (says the Archbishop) *I reply'd, it would be excepted against in all likelihood by divers, and desir'd his Majesty to advise well upon it.* Dr. Heylin, *Whereupon the Convocation was adjourn'd from Wednesday till the Friday following, and then till the next day after, and so till Monday, to the great amazement of many of the Members of it, who expected to have been dissolv'd when the Parliament was.*—And Mr. Fuller says, That even after they had received the New Commission, *thirty six of the Members earnestly protested against the Continuance of the Convocation.* A Precedent in favour of their sitting was produc'd out of the Registers in Queen Elizabeth's time; upon which a Debate would naturally arise, how far it was applicable to the present Case. *Much Pains was taken* (says Dr. Heylin) *by some of the Company, in shewing the difference betwixt the Writ for calling a Parliament, and that for assembling a Convocation; their different Forms, and their Independance one upon another, &c.* These Doubts would put the Clergy of both Opinions upon diligent Searches into Records, and upon frequent Meetings, for a mutual Communication of their Discoveries and Perswasions. Dr. Heylin therefore, does not only mention frequent Meetings, but acquaints us also with the *Occasion and Necessity* of them. Yet still the Dissatisfactions were so great, as to induce his Majesty to propose the Question on Sunday (May 10th) to the greatest Lawyers then about him: Whose Opinion of the legality of their Sitting, was signify'd to the Convocation May 11. and a New Commission thereupon drawn up, bearing date May 12th, and brought to the Convocation May 13th. But neither did this give Satisfaction to all; for (as I observ'd from Mr. Fuller before) there were yet *thirty six* who protested against the Continuance of the Convocation, and importunately press'd that it might sink with the Parliament. To which he adds, *To satisfy these, an Instrument was brought into the Synod, sign'd with the Hands of the Lord Privy Seal, &c. justifying our so sitting in the Nature of a Synod, to be legal according to the Laws of the Realm.*

This

This was the Instrument that bore date *May 14.* and is enter'd in the Register of the Upper-House. Nor is it inconsistent with Dr. Heylin's Account; who relating this whole Matter much more minutely than the other two, says, that the Question was *propos'd* to the Counsel, *May 10.* as in all likelihood it must be, considering that the new Commission, finish'd and pass'd *May 12.* was probably fram'd upon their Opinion. But he does not directly say, that it was also sign'd that day; or that on the next, it was signify'd to the Convocation by a *formal Instrument.* He only mentions a *Paper which was sent unto them from the Court,* and which might be no more than an Assurance in general, that the Counsel had given an Opinion to that purpose: But when neither that nor the new Commission would quiet the Minds of several, an *Instrument,* in Mr. Fuller's words, *was brought into Synod, sign'd with the Hands of the Lord Privy Seal, the two chief Justices and other Judges, justifying their so sitting in the nature of a Synod, to be legal, according to the Laws of the Realm.* This Author therefore, before he arraign'd Dr. Heylin's Accuracy and my *Probity,* should have been certain that the Opinion was not given (as it probably was) *before* the Commission was fram'd; and that the Doctor affirm'd (which he does not) that it was sign'd the same day they gave it.

Considering the great *Occasion* for Meetings of the Clergy while these Doubts lasted, and the Authority of Dr. Heylin, then a Member, and eminently skill'd in all these Matters; 'tis strange, how this Author could prevail upon himself to offer such a trifling Objection against the frequency of these Meetings as represented by the Doctor. 'He had enter'd in his Notes the Days of the Week, without adding those of the Month wherein the Convocation met; and when he was taking out these into his History he cast his Eye upon a *Wednesday* in a false Week, and from thence transcrib'd the successive Adjournments; which it seems, in the next Week to that he is upon, and in no other part of the Register, run exactly as they do in Heylin. To show the modesty of this Suggestion, there are three *Concessions* to be made, before it will rise to a remote probability; 'That Dr. Heylin took Notes; 'That if he did, he omitted the Days of the Month, and (tho' so accurate a Man) left the same Days of several Weeks undistinguish'd; and, 'That he took these

Ans. p. 15.
c. 1.

Ans. p. 14.
c. 2.

Ad-

Adjournments out of the *Notes* and not out of an entire *Journal*; (for the *Journals* of the Lower-House were not such Secrets in those Days, as they have been made of late.) But if all these were granted (which, till such *Notes* appear, may with much more reason be deny'd) there is then a possibility that they might Occasion such a Mistake; and yet when we allow this, we must forget that the *Person* upon whom it is charg'd was an Eye-Witness of what he writes and an active Mover in it, That the *Thing* it self being so singular and remarkable, his Memory could not easily fail him; That he has acquainted us with such *Debates* as would naturally require their coming together in that manner; and, That under so many Doubts and Scruples upon a Point wholly new, with so eager an Opposition as the Proposal met with, it cannot well be suppos'd how the Clergy should receive Satisfaction or come to a mutual Understanding, but by such frequent Meetings.

He suspects, that I added the Days of the Month in Semi-circles, on purpose to conceal this important Discovery: But such Conjectures are too remote, to fall within a narrow Capacity and Invention; and I assure him, I had no other Design in adding the Days of the Month, but to make it the more Clear what influence Dr. Heylin's Account had upon these controverted *Adjournments*, usually known and distinguished by the Days of the Month, and not of the Week.

Ans. p. 12.
col. 2.
The Clergy not call'd to account for any Continuations.

The Author of the *Answer* supposes that the Clergy were call'd to account for these separate Adjournments in May. 'Tis true (says he) what they did in this Case seems to have been question'd: For when they met on May 13. it is said, *Acta fuerunt perfecta quoad Privilegia Domus, &c.* But this seeming Concession, is only an Artificial Supposition that such Adjournments were really made, and with great Deliberation too, as being afterwards maintain'd and asserted by the Clergy: But the thing he chiefly aims at, comes after, That, upon supposition of such a Dispute, 'it is plain it was carry'd on the Clergy's side, upon view of the Precedents then remaining on their Acts; because no Entry was made in the Bishop's Register of their disallowing this practice, &c. The reasoning upon this Clause, is exactly of the same strain with that

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that upon Dr. Heylin's Note-Book: Do but grant that the Clause has reference to these Adjournments, that the Point was actually controverted between the two Houses, that the Act-Books of both were consulted upon it, (any of which there is not the least foundation to suppose,) and you make way at last for a distant probability that the Clergy had the better, because the Bishops, suppos'd to be convinc'd, made no Entry in the Acts, of their disallowing the Practice. But all this is meer Invention; and the Publisher of the *Narrative* is so far from making this Application of the Clause, that he refers the reading of the *Acts* that Day to the Scruples which still remain'd upon several of the Members, about the *Legality* of their sitting after the Parliament. But had either of these Authors cast his Eye upon the Acts of May 18. he would have met with another Interpretation of that Clause, more probable, tho' not so much to their purpose. There, we find the Archdeacon of *Taunton*, and the Proctor for the Chapter of *Wells*, asking pardon for having submitted to an Arrest; *Agnoverunt sese errore permisisse sese ad arrestand. &c. in prejudicium Privilegiorum, &c.* which formal Submission that day, supposes the Case to have been under Examination before; and the first step in that Examination would naturally be the reading of the *Act* (8 H. 6. c. 1.) which grants the Members of Convocation the same Liberties and Immunities with the Members of Parliament.

App. to
Nar. p. 22.

After so full a Vindication of his Grace's legal Right to Continue the Lower Clergy, and a Confutation of every single Pretence upon which they claim either an *Inherent Right* in general, or a Right to *Intermediate Days* and *Hours* in particular; I might excuse my self from entering into the *Conveniences* or *Inconveniences* on either Hand. Because, what is Established by Law, and authoriz'd by Custom and Experience, is presum'd to be just, reasonable, and convenient. In framing new Laws, every probable Consequence is weigh'd and consider'd; but such Suggestions (which in most Cases may be plausibly urg'd on either side) deprive no Man of any Right or Privilege that Law and Custom have given him; these carrying in them an Implication of *Equity* and *Convenience* upon experience of what is past; and that forbids all *Doubts* and *Fears* about what's to come.

What is prov'd to be a Right, the Law supposes reasonable.

How-

The frame
of a Con-
vocation
falsly ta-
ken from
that of a
Parlia-
ment.

Ans. p. 2.
col. 2.

Ans. p. 6.
c. 1.

Nar. p. 6.

Ans. p. 18.
col. 1.

Nar. p. 17.

Ibid. &

Ans. p. 2.
c. 1.

However, the present Rights claim'd by the Archbishop, would plainly enough appear in *Reason* to belong to him, if those of the Clergy (withdrawing their Thoughts from the Constitution of our *Parliament*) could be content to consider him as *Metropolitan* and the *President* of an *English Convocation*. But there is no prevailing upon some Men, to think or speak of the *Lower House of Convocation*, without a *House of Commons* in their Eye: *The Model* whereof (as they say, without any ground from our *Convocation-Registers*) was doubtless taken from the *Model of an English Parliament*: *An English Synod* form'd upon the *Platform of an English Parliament*: *The distinction of the two Houses, and their separate Right of Adjournments, came all from their Parliamentary Relation*. There needs no more to confute this Notion, than what I have said in the beginning; at least in the extent to which they carry it. But upon this they build a very early Independence from the *Upper-House*: *In Elder Times, the Whole Body of the Convocation us'd to sit together in the same Room: And the Lower Clergy having, besides the Common Business, distinct Rights and Interests of their Own, were wont to separate from the Bishops (as their Lordships for the same Reason us'd upon the like Occasions to separate from them) to Debate and Conclude their own Business among themselves*. And what is this, but setting the *Inferior Clergy* upon an equal Level with their *Bishops*, in *Synodical Matters*? Then, concerning the times *after* their Separation, they speak much of a *distinct Room* and a *distinct House*; as if all the *Archbishop's Jurisdiction* over them had been lost, upon his assigning them a *Place of Separate Debate*. By degrees, they had leave to chuse a fixt *Prolocutor* to be approv'd and confirm'd by the *Archbishop and Bishops*; and him they style the *President of the Lower-House*, as the *Archbishop* is of the *Upper*; and tell ye, that he adjourns by consent of the *Lower Clergy*, as the *Archbishop* does by consent of the *Bishops*. They add, that by the *Establisht Constitution* they have proper *Business of their own to do*; and not only so, but that it is, generally, *Business different from that which is transacted at the same time in the Upper*; and speak of their *Debates*, as carry'd on independently from their *Bishops*: Upon whom they claim a general Negative, in virtue of this their sitting and acting Separately.

This

This is the Description they give of the *Constitution* of their House, when they would insinuate the *unreasonableness* of being Included in his Grace's Continuations. And in this View, it certainly appears so; nothing being more unaccountable, than that any Body of Men should be govern'd in *Time*, by one who has so little to do in their *Business* or *Debates*, as this Description implies the Archbishop to have. But it happens, that the Scheme is wholly taken from the Constitution of the *House of Commons*, without any Colour from our Registers Ancient or Modern; which give us a very different Idea of an *English Convocation*. They make it to be constantly summon'd by Authority of the Archbishop as *Metropolitan* of his Province; and when it is met, they represent him in all respects as *Presiding* over the *Whole* Body. While they acted all together, his Grace directed the Inferior Clergy to retire as he saw Occasion, either that He might Debate privately with the Bishops, or They deliberate about such Matters as they were *directed* to prepare or consider: But, in that united State, neither the Retirement of the Bishops from the Clergy, nor the Clergy's Retirement without the Special Order of the Archbishop, was ever the Usage of an English Convocation; tho' the Narrative affirm both. Their Room for Debates was *assign'd* them by his Grace; as the Prolocutor was chosen by his Special Direction, to report their Resolutions. And tho' they grew by degrees into a more separate State as to their Debates, no alteration appears thereupon in the *Measure* of his Grace's Jurisdiction and Authority. From Him they took their Directions about the *Matter* and *Manner* of their Debates, and return'd to him and his Suffragans their Opinions and Answers within the time prescrib'd. Since the Settlement of the Convocation in this form, as well as before, his Grace at the Opening thereof always explain'd the *Cause* and *Occasions* of his summoning them; and by directing the Clergy to chuse a Prolocutor, and admitting him when chosen, he puts the Lower-House into a *Condition* of debating and preparing such Business as may require their Assistance or Advice. Nor has it been usual for the Inferior-Clergy to enter upon any Business of Moment, before a *general* Representation to the Upper-House, and Instructions from thence concerning the *Expediency*, and the *Methods*, of preparing it. They send their

The Description of an English Convocation from the Registers thereof.

Desires and Opinions by the Hands of the Prolocutor ; who brings back the Answers and Directions of his Grace and his Brethren, according to the foremention'd words of Archbishop Parker, *Qui vestra nobis desideria, nostraque vobis vicissim monita exponat atque referat.* The Office therefore is so far from contributing towards a more *separate* State, or giving the Lower Clergy a new *President*, that it conveys to them the Influence and Instructions of their *sole President* the Archbishop ; joyning the Consultations of the two Houses, and preserving in effect that *ancient Union* in the Debates of the Bishops and Clergy. So different is the frame of a Convocation from that of the two Houses of Parliament, and so far are the Inferior-Clergy from having a Right to Act in such an independent State, as some of them have claim'd in their Writings and Proceedings of late. That they have a *Negative* upon the Upper-House, is very true ; so as nothing can pass into a *Synodical-Act*, without their special Consent. But it is as true, that this Negative never took place but in *final* Resolutions, either upon the whole, or some particular Clause. For, as I observ'd before, in all the *Preparatory* Steps, they are under the Direction of their Metropolitan, who has constantly exercis'd that Power, and does not appear to have been once disobey'd.

The reasonableness of his Grace's Right to Continue.

Sitting on Intermediate Days by leave or direction from the Archbishop, removes the pretended Inconveniences. *Nar. p. 23.*

This Account of *Proceedings in Convocation*, given us by the Registers, shows the deceit of that other, taken from the Model of the two Houses of Parliament. Which *Disguise* being remov'd, we see the *Reasonableness* of leaving the Determination of the *Times* of acting, to the Person whose Right it is at the beginning to explain the Causes of his summoning the Convocation, and whose share is so considerable in directing and ordering the subsequent Business of both Houses.

When the Archbishop observes a Necessity, he has a Right to direct the Inferior Clergy to meet, either in a Body or a select Number, on *Intermediate* Days. And if their Debates happen to be interrupted by his Grace's Continuation, they know in whose Power it is to give them leave to sit in *another Capacity* ; in case their Business, upon a general Representation, appear to require greater haste and more time than the Synodical Meetings will ordinarily allow. The appointment of Committees, to sit and act in the Intervals of Sessions, is

is a Power which they affirm to be *in themselves*: And tho' I am far from thinking this a clear Point, much less that the Instances of it are so Ordinary upon the Books as the Narrative pretends; I may however be allow'd to argue upon their own Principles, That there can be no reason to complain of *Interruptions*, under the perswasion of enjoying a Power in themselves, whereby their Chief Work, and that which mainly requires Time (the *Preparation* of Business to be laid before their Lordships) is so conveniently carry'd on.

The late Narrative raises some frightful Consequences from the sole Power of Adjourning in the Archbishop: *That all the regular Provision that the Piety of the Government has made for maintaining both our Doctrin and Disciplin, as by Law establisht, will be in an Archbishop's single Custody: That His single Authority will be sufficient to controul the Power, and void the Privileges of this National Church: That the whole establisht Ecclesiastical Constitution will depend so entirely upon his Pleasure, that should He so think fit, He alone might effectually give it up, to Alteration or Destruction.* Ibid. Nar. p. 4.

Here, the Question is not, to what degree an Archbishop, bent upon the Ruin of the establisht Church, is able in general to promote the Destruction of it; but how far the single Power of Adjourning the *Whole* Convocation, will contribute towards the *legal Accomplishment* of such a Design. In the first place, we must suppose an Archbishop ready to take all Advantages arising from any *Trust* lodg'd in him (and which must be lodg'd somewhere) towards the Destruction of the Church: No Instance whereof (God be thank'd) has yet been known in this Nation. Next, we are to suppose, what is apparently false, that the bare *Suspension* of Convocation-Business (for the Power of Adjournment effects no more) will stop the Course and Execution of the Laws *already made* for the safety and government of the Church; under which it has continu'd so long in a prosperous Condition, and can be no way abridg'd of the future Benefit of them by the Power we are asserting to his Grace. But neither does the sole Right of Adjourning enable the Archbishop to *suspend* the Business of Convocation at Pleasure, because the King has a Right to *require* the Consideration of all Matters that he shall think fit to propose; or, if the *Prince* also be inclin'd to such Intermissions, he need not the Assistance of the *Archbishop's*

Power of Adjourning, when his own Proroguing or Not-Summoning will do it as legally and more effectually. Supposing therefore a *Prince* and an *Archbishop* to conspire the Ruin of the Church; the utmost they can do towards it, in virtue of the *Power* we are now considering, is a temporary Suspension of Convocation-Business; the *establish'd Laws*, in the mean time, having their free course, and being no way affected thereby. For, before These can be touch'd, the two Houses of Parliament must join in the Design; and, I confess, there is no way to Save our *legal Establishment*, if these Oppositions should provoke God to permit the Destruction of it, by such a concurrence of the King, Lords, and Commons in Parliament. Only, as to the present Point, all this is effected as well *without* this Power of Adjourning in the Archbishop, as *with* it; supposing him to be in the same Measures. It does not enable him either to *make, alter, or repeal* a Law; the utmost he can do, is the suspending of Convocation-Business, and even in that the Prince has a Right to over-rule him if he dislike it, or to do it without him, if he desire it; as the Legislative Power would be ready to *deprive* him of the Authority it self, should it appear to be so notoriously abus'd. What therefore they say, of *voiding the Privileges of this National-Church*, and of *altering or destroying the Ecclesiastical Constitution*, may serve to affright or amuse unwary Readers; but none who considers the consequence and connexion of Things, can think that an *Archbishop* is enabled to effect this Ruin, or any part of it, by his *sole Right of Adjourning the Convocation*.

I know not why the pretended Inconveniencies of his Grace's Authority in the *Deprivation* of a Bishop, are rankt among those of his *Proroguing-Power*; unless the Suffragans are suppos'd by that means to lose the Benefit of an Appeal to the next Synod. But by our *Legal Constitution* (for upon that foot we are now reasoning) no Appeal lies from the Sentence of the Archbishop to a *Synod*: Or if it did, Provision would then be made for the *calling and sitting* of a Synod in such Cases; or tho' no such Provision were made, yet his Grace's Sentence, with all the effects of it, would be suspended, and the Bishop restor'd to his full Power, immediately upon the Appeal, at what distance soever such Meetings might be.

The Author of the *Answer* also, falling in with the *Narra-* *Ans. p. 9.*
tive, makes this sole Power of Adjourning a terrible Thing; *c. 2.*
First, to the King's Prerogative, as it is *too great a Check upon*
the Royal Supremacy, and enables the Archbishop to defeat the
intention of the King's Summons. But, as I said before, the
 King had always a *Right*, as to require the Archbishop to
 summon a Convocation, so to enjoin the *Consideration* and *Dis-*
patch of whatever Business he should lay before them. This
 Power therefore cannot *prejudice* the Royal Authority; and
 (as to the *second Mischief*) how little it would assist a Prince
 (able of *himself* to suspend all Convocation-Business) in any
 Designs against the establish'd Constitution, I have just now
 shown.

A future Prince (according to the Suggestion of the Nar-
 rative) may resume the Measures and Designs of the last Reign;
 but as he will have no *need* of any thing that the Archbishop's
 Power of Adjourning may do for him, so the utmost it can
 do is far from hurting the *establish'd Constitution*. A Church,
 so regularly govern'd and settl'd, is safe enough under a *tem-*
porary Inability to make *New Laws*, so long as none of her
 Members shall tamely sacrifice her *Old Ones* to the arbitrary
 Power of the Prince. This is the way through which *Popery*
 must enter, as in the last Reign it was *endeavouring* to do, and
 in some few Places found admittance: But the chief Passages
 were guarded by the main Body of the English-Clergy, who
 bravely stood their Ground against all the Temptations both
 of *Fear* and *Interest*. In which Defence, many of our present
Prelates are well known to have *distinguish'd* themselves, to
 their immortal Honour. And they could not have given a
 greater Testimony, that no *Dangers* can discourage them
 from pursuing all *prudent* and *lawful* Measures for the Security
 of our Religion; however a late Writer may detract from
 the *Merit* of the Action, by lessening the *Hazards* to which it
 expos'd them. *There was a time, I confess, when the Word Po-*
pery carry'd Terror in its very Sound, and any opposition made to *Publ. of*
it had the Power of Charity, to cover a multitude of Faults: But *the Nar.*
that is long since, the Charm is now worn out, and an opposition to *p. 17.*
Popery will go for no more than its intrinsic Worth. And again,
But possibly he thinks the Hazard that was run, makes the value of
their opposition to Popery, more extensive. What peculiar Hazard
they ran of their Lives and Fortunes, I must confess I am not able
 to

to judge; but this I am sure of, that through God's Mercy they have escap'd with Both. A profane Levity, that discovers a small Sense of the Mercy of God, in working so great a Deliverance to this Church and Nation.

To return to the Convocation. The foregoing Description of the Proceedings in an English Convocation, is expressly warranted by current Usage, as that appears from our Registers in the successive Ages. And because I know you always desire to judge from the Originals themselves (which in this case you cannot do by reason of your distance) I will send you e'er long the Testimonies relating to these and other controverted Heads, in the Words of the Registers themselves, and in order of Time. Which will leave no room to doubt either of the Constitution of an English Convocation in general, or the particular practice of the two Houses, in the Points under Debate. And the Case by this means, upon comparing the late Proceedings of the Lower House with the Usage of former Convocations, will be too plain to need much Application.

Nar. p. 30.
& Pref. p. 9.
Answ. p. 9.
& 17.

The only Head that immediately concerns the Point we are now upon, is the Power of the Archbishop, as *Metropolitan*, and *President of an English Convocation*: Characters, which the *Narrative* and the *Answer* industriously depress, that the Prolocutor may be the more easily rais'd to a like Figure and Authority in the Lower-House.

The Power
and Anti-
quity of
Metropo-
litans.

Nar. p. 30.

The first Suggestion whereby they diminish the Metropolitans Power, is from its Original; *His Presidency over his Com-provincials was founded in the Precedency of his City*. A Circumstance, that ought rather to recommend it to the good Opinion of Persons, who reckon their Ecclesiastical Capacity so much improv'd and adorn'd by Privileges deriv'd from their *Civil Relations*. However, in fact, it is much more plain that the Jurisdiction of Metropolitans, as to *place* and *extent*, was model'd according to the *Civil Divisions*, than that any part of the present Frame of a Convocation was taken from that of a Parliament. But though the *Populousness* of the *Metropolis* and the great Resort to it (as the Place of Justice and the Residence of the *Roman Præses*) might give *Occasion* to the Establishment of a Bishop *there* with Jurisdiction over the rest of the Province; how does that make the *Authority* it self the less sacred?

This

This *Pre-eminence* (as the learned Dr. *Beveridge* proves at *Codex. Can. c. 5.* large) was settl'd by the Apostles themselves; and was Contin'd, if not by their *Command*, at least after their *Example*; and deriv'd to all Nations as Christianity was propagated, and the number of Episcopal Sees began to encrease. And so early was it an Office of Eminence in the Church, that the great Council of *Nice* takes notice of it as *Ancient* at that time. As to their *Authority*, it consisted in a general Inspection into the Lives and Behaviour of the Bishops of the Province; and no new Bishop could be made or consecrated, but by their special License. As to *Synods*, they Summon'd them by their own Authority, and singly Presided over them; and the Synodical Epistles were sign'd by them alone. Whatever therefore the Narrative may insinuate about the Metropolitcal Power, as of a *Secular* Original, it is establisht upon the *ancient Practice* of the Catholick Church, and upon that Foundation includes a Right of Convening Synods and Presiding in them.

These Writers would make that *Summoning-Authority*, a mere *Execution* of the Canons: Which Canons did indeed lay an *Obligation* upon them to Convene Synods, at particular Seasons; but left them wholly at liberty to Summon at other times, as *Occasion* requir'd.

The Canons to that purpose were much of the same Nature and Import with Laws obliging the King to call his Parliament in a certain Term of Years; but that Parliament is notwithstanding call'd by *Authority* of the King, who also within that time may call as many as he shall see convenient: the Design of such Acts being only to prevent the *disuse* of Parliaments, but not at all to affect the *Summoning Power*. So, these ancient Canons did indeed put it out of the Power of the Metropolitan to *disuse* Synods, but did neither hinder him to Convene others within the times specify'd by the Canons, nor lessen his *Authority* in Convening those that the Canons requir'd. As to *England*, Dr. *Atterbury* is clear, That the Archbishops of *Canterbury* did all along Convene the Clergy of their Province, in virtue of their *Metropolitcal Power*: *The Archbishop needed no help from his Legatin Character to Convene the Clergy of his Province, which he was sufficiently empower'd to do as Metropolitan, by the old Canons of the Church, receiv'd and allow'd in this Kingdom.* And, accordingly by this *Metropolitcal Power*,
Rights, &c.
p. 485.
2d Edit.

the

the Archbishop all along call'd Provincial Councils, before any of them were the Pope's Legats.

Ans. p. 3.

c. 1.

If therefore the Authority of *Convening* was lodg'd in the *Metropolitans*, the Writer of the Answer must not deny that they had also a Right of *Adjourning*; after he has so solemnly pronounc'd these two *Inseparable*. The Authority of *Proroguing* (which in *Convocation-Language* signifies the same with *Adjourning*) is purely founded in and deriv'd from the Authority of *Convening*. This is clear from the Reason of the Thing — And the Power of *Proroguing* is the natural and necessary result of *Assembling*. Before he call in Question the Metropolitan's Original Right to *Adjourn*, I hope he will formally withdraw this Principle; and the Publisher of the Narrative may also be pleas'd to tell us, upon whose Authority he declar'd (against this Principle of his Friend so peremptorily laid down) that the ancient Synods were not *Adjourn'd* by the *Metropolitan's Authority alone as President*, but their own Consent. If he had met with any such Consent anciently ask'd or given, he would not (I suppose) have spar'd the mention of it at so necessary a time.

Pref. p. 8.

Let. p. 3.

c. 2.

Speaking, in my first Letter, of the *Metropolitcal Power*, and his Right of *Adjourning* as such; you know, I added, *Thus much is acknowledg'd by the Lower Clergy consider'd as a Meeting purely Ecclesiastical; but they reckon themselves to sit in*

Publ. of

Nar. p. 11.

Convocation under a Civil Capacity also. My saying this, is call'd by the Publisher of the Narrative an extraordinary degree of assurance, and the first instance he had met with of any Body so hardy, as to think he could impose so much upon the Understanding, as to persuade Men that they assent to Propositions which they professedly deny. And yet I know not how they could more professedly assert it, than they have done in some late Books. Was not the great Argument for meeting concurrently with every Parliament, founded in this very Position, That they meet in virtue of the *Pramunientes-Clause*, and that the Archiepiscopal Summons is only an *Enforcement* of that Clause? Had not the same Author openly pleaded, that the *Convocation-Clergy* are call'd up thither, and sit there, as well by the Parliamentary as Provincial Writ, and are upon that account a Parliamentary Body of Men? And does not the Author of the Answer, however differing from Dr. Atterbury in many other Points, agree with him in this of their Civil-Capacity,

Pref. to

Rights, &c.

p. 30. 2 Ed.

capacity, when he makes the Archiepiscopal Summons a bare Execution of the Royal-Writ in a *Ministerial* way?

Agreeable to these Notions about a *Parliamentary* Assembly, is that Passage in the Narrative, speaking of the Conformity of the Clergy-Meetings to the State-Assemblies; To which Conformity (we suppose) we owe those Synodical Rights, which are peculiar to the Lower-Clergy of the Church of England.

—And, We conceive that the distinct Capacity of the Lower-House of Convocation was deriv'd from an Imitation of the Lower-House of Parliament. Upon which Head the Author of the *Ans.* p. 14.

Answer is yet more full, in his reasoning upon that Adjournment of May 5. 1640. after the Dissolution of the Parliament: It is certain, that their being now an Unparliamentary-Synod, was so far from giving them liberty in this respect, that it rather confin'd them more. For the distinction of the two Houses and their separate Right of Adjournment, came all from their Parliamentary-Relation. And the Publisher himself, in the Page immediately before that where he reproves me for making this, one of their Principles, refers us to Dr. Atterbury's Book Of the Rights, &c. for the Agreement in Constitution between a Parliament and Convocation. Do you therefore judge, whether this eager Writer ought not to have moderated his Resentment on this Occasion; especially after the same distinction, 'That they did not meet and sit in a bare Ecclesiastical Capacity,' had been so publicly urg'd by some of the Members, in answer to a truly Canonical Argument, from his Grace's Authority as Metropolitan.

'Tis true, the Archbishop's Schedule usually runs, *Cum consensu confratrum*; and the Forms of Continuation in our more modern Registers, express it in the same Language. But the Author of the *Answer* had no reason to say, that this is almost every where the Language of the Books; and when it is not, is merely an Omission of the Actuary. For in the Acts of an elder Date (those, I mean, that are enter'd in the Registers of the Archbishop) the *Consensus Confratrum* is neither express'd nor imply'd in the ordinary Continuations; which were made by the sole Power of his Grace. It is only mention'd, sometimes, in Prorogations to a long distance, and in Dissolutions. 'Tis therefore certain, that for some hundred Years the Power of Continuing was exercis'd by his Grace alone: And tho' the Consent of his Brethren came afterwards by degrees to be enter'd

ter'd in the Acts, and was almost constant in 1562. yet it was no *Law*, either Ecclesiastical or Civil, that oblig'd to it. The most probable Account I am able to give, of the difference in Style between the Ancient and Modern Registers, is, that in former Ages it was usual to sit *de die in diem*, and then there was no need to *debate* about the time; but afterwards as the Sessions began to be more divided (one or two in a Week) it was natural for the Archbishop, before he Continu'd, to advise with his Suffragans which Day would be most for the general Convenience. But, as the Answer observes, the Phrase *cum Consensu Fratrum* is not us'd when the Archbishop prorogues upon the King's Writ, because that absolutely determin'd the Day, and so there was no Room for Deliberation about it.

The Consent of the Bishops infers no Right in the Clergy.

Ans. p. 10.
c. 2.

I will not take upon me to determine, how long a Usage will oblige the Metropolitan to Continue with the Consent of his Suffragans; but whatever share they have, they were admitted into it by a voluntary Act of his Own. Suppose therefore the Archbishop of *Canterbury* (who for some hundred Years Continu'd both Bishops and Clergy by his sole Power) be oblig'd by Custom to take in the Consent of the Bishops; what is due to the Clergy, whose Consent was never askt, and who therefore have no such Custom to plead? Yes; 'If the Adjournment of the Lower-Clergy be Included in such an Act, 'Absurdity will follow, that one House hath the Power of 'Adjourning another.' No, it will follow, that the Archbishop (with the Consent of the Bishops) has a Power to Continue the Convocation, by giving the Sanction to that Act, and then transmitting it to the Lower-House: Which, to my Apprehension, has no more Absurdity, with regard to the Inferior-Clergy, than if he did it without the Consent of his Brethren.

All these Writers would infer from the Clause *Cum consensu Fratrum* in the Registers of the Upper-House, that the Archbishop only Declares the Adjournments made by his Brethren, which you see is a groundless Notion. But, however, before they give the Prolocutor even that degree of Power in the Lower-House, they ought to show out of their Journals (what they never can do) that the Clergy have ever given their Consent. Otherwise (in drawing the Parallel) they not only make the Prolocutor the President of the Lower House

562. yet they make him a President vested with much greater *Authority* than his Grace. For they will not acknowledge that he Adjourns by the *Archbishop's* Authority, and their Books say nothing of the *Consent* of their own House; so that while the Archbishop (according to their Scheme) cannot Continue the Upper-House but by the *Consent of his Brethren*, the Prolocutor may Adjourn the Lower at his own Pleasure: This is the natural Consequence of their Principle; which cannot be separated from that Absurdity, but by a shift that has done true Service on other Occasions, the *tacit Consent* of the House, and the *latent Reserve* of the Clause *Cum consensu Cleri*, in the Jour-

The Publisher of the Narrative, making a Provincial Synod a kind of Epitome of all the *Diocesan* Synods in the Province, pleads in behalf of the Clergy for the same Privileges as One that they usually enjoy'd in the Other. But why is this not insisted in the present Case, when *Adjournments* in a *Diocesan* Synod belong'd to the Bishop alone, by whom they were summoned, and who directed the Business of the Synod, as the Archbishop and his Brethren do in a *Provincial* Convocation. But he says, *every Body knows that nothing can be done in a Diocesan Synod, without the Consent of the Presbytery*. A Fallacy, that has been endeavour'd in the *Provincial* Synods also, and receives the same Answer that has already been made, that the Necessity of having the *Consent* of the Clergy or Presbytery, in Convocation or a *Diocesan* Synod, was only in the *Conclusions*; i. e. nothing was to be reputed a *Synodical-Act* but what pass'd with their express Consent. But this *Negative* never extended to the *Methods* and *Circumstances* of *Preparing* Business to be so pass'd: All these, particularly the *Times* of their *Meeting* and *Rising*, were solely under the direction of the Bishop in his *Diocesan* Synods.

After he has apply'd this to the *Provincial* Synod or *Convocation*, he challenges me to show how the Clergy came to have a *Negative* in every Act, but this of Adjournment; for, says he, *their Concurrence to any Synodical Act was never disputed by the Upper-House, except in this single Instance*. My Answer is ready, That as the Archbishop and Bishops never deny'd the Necessity of the Clergy's Consent before any thing could pass into a *Synodical Act*; so the Clergy never pretended a Right

to disobey his Grace and his Suffragans in their Instructions concerning the *Methods* of Proceeding, or the *Times* of Debating, or any other Circumstance in the *Preparatory* part.

Dr. Kennet justifi'd in his Inference from the Letter to the Primate of Poland.
Ans. p. 17.
c. 2.

I must not leave this Head, of the Archbishop's Power as *Metropolitan*, without doing justice to Dr. Kennet, who is much misrepresented by the Author of the *Answer*. The Doctor (*Occas.* Letter, p. 65.) observing Dr. Atterbury's Endeavour to diminish the Metropolitcal Rights of the See of *Canterbury*, by deriving the most considerable Branches thereof from the *Legatin Power*, produces the contrary Opinion of Archbishop *Sheldon* and his Suffragans, in a Letter to the Primate of *Poland*, who had desir'd to be inform'd about the Extent of the *Legatin Authority*.

The Archbishop tells him, what Rights belong'd to the See of *Canterbury* by *ancient Usage* and the *Laws of the Catholick Church*; mentioning his Authority of holding *Convocations* as one of these: And how could any Argument lay more fair and direct to Dr. Kennet's Purpose? But (says the *Answer*) this is produc'd in favour of the *Metropolitcal Rights* of *Prorogation*, according to the usual discretion of that Writer; and yet that Writer concludes in his 61st Page (*i. e.* 4 Pages before) what he design'd to say about *Prorogations*; and here, is vindicating the General Rights of the See from a Dependence upon the *Legatin Power*. That Writer's Discretion therefore is safe, whatever becomes of this Author's Integrity. And as to the Application he would make against his Grace's Power to *Prorogue*, because *That* is not mention'd there among his Rights as *Metropolitan*; the Answer is obvious, That the Accounts of that Letter are all short, and general only; and he might as well argue that they did not believe the Archbishop to have a Power of *Suspending* a Suffragan, because in speaking of his Grace's *Judicial Authority*, they did not particularly specify it. All they say upon that Head, is, *Illorum [i. e. Episcoporum] in regimine Episcopali Errata & Negligentias corrigit*; which must (with this Author's leave) include *Deprivation* also, till he show either that a Bishop cannot be guilty of *Simony*, or that the Canon Law, by which the Archbishop proceeds, has assign'd some lower Punishment to *Simoniackal Contracts*.

In my first Letter, among other Considerations entitling his Grace to the Right of Proroguing the Lower House, I mention'd that of his being *President* of the whole Convocation. The Author of the Answer is very certain, that the *Expression* is improper, and the *Matter* false; the first, because he had not examin'd the Registers of Convocation, and the second, because he was aware of some untoward consequences from a legal Right in his Grace to be *President* of the Lower as well as the Upper-House. That the proper Title of the Archbishop, is, *President of the Convocation*, and apply'd to the Commissary only as deriving from his Grace, I have fully prov'd before; unless he will reject the Authority of Dr. *Atterbury*, and the Testimony of Registers Ancient and Modern, with publick Instruments fram'd thereupon. Which of it self is sufficient to show the Vanity of this Author's new Notion, 'That the Prolocutor is *President* of the Inferior Clergy, as the Archbishop is of his Suffragans.' To this purpose he has notoriously perverted two Passages of Archbishop *Parker* and Bishop *Hall*; which, tho' they were truly cited, would have no Authority against the plain Language of Registers, but as they stand apply'd there, are only an argument that this new *Division* of the Presidency was not to be set off under a tolerable Colour.

Archbishop *Parker*, in his Speech to the Bishops and Clergy Anno 1572. observes that the Convocation consists of two Houses, and then shows how the Debates are to be regularly Managed in each: *Ad vitandas in cunctis nostris disceptationibus altercationes atque lites, Superiori hujus Concilii Conventui &c. ego Prasidebo, ut omnia nostra dicta, responsa, et colloquia, nullâ confusione perturbata, sed recte atque ordine fiant.* By that means, Order would be preserv'd in the Upper-House, and because he could not moderate the Debates of the Lower House in Person, as he did while both debated together; he provides for order and Decency there, by a Command to the Clergy to chose some one of their Body, to be by him confirm'd and approv'd for their Prolocutor during that Convocation, *Qui vestras disceptationes, ne aut longius producantur, aut acrius vehementiusque tractentur, temperet.* Which shows (what our Author would have conceal'd, by omitting these Clauses of the Speech) that the Prolocutor's Superiority in the House extends only to the single point of moderating in their Debates, and that his Power even in that Instance is immediately deriv'd from the Archbishop with his

Archbishop, *President* of an English Convocation.

Ans. p. 18. c. 2.

Dedicated to the two Archbishops.

Vid. *supr.*

pag. 41.

Ans. p. 10. c. 1.

Prolocutor, not *President* of the Lower-house.

Archb. *Parker's* words

perverted by the Author of the Answer.

his Suffragans, who first direct the Choice and then Confirm it.

Rights of
Episc. p.
88.
B. Hall's
words
perverted
by the
Answ.

Agreeable to the sense of Archbishop Parker, is the Passage in Bishop Hall, when interpreted according to its genuine meaning and design. His Lordship is there expostulating with the Puritans concerning the advantages of Synods, and the necessity of Order in the Debates; as things suggested by common Reason and Experience: For which he appeals to their own Assemblies, where they find it necessary to make choice of some one Person to govern their Debates; in his Office, resembling the Prolocutor of the Lower House of Convocation. But the last Branch of the Parallel was too plain a direction to the true meaning of the Place, to be taken notice of by this Author. For, of the Person in the Assemblies of the Puritans, he says, *But in the mean while, he (having but lent his Tongue for the time to the use of the Assembly) when the Business is ended, returns to his own place without any Personal Inequality: And of the part of the Prolocutor's Office correspondent thereto, And the Action once ended, he takes his former Station, forgetting his late Superiority.* These clauses are not so inconsiderable in the present case, as to deserve industriously to be dropt. But his Lordship having shown the Circumstances, wherein these two agree, comes at last to that in which they differ. *This is the thing challeng'd by the Patrons of Discipline, (thus far, their Discipline and ours seem to agree) who do not willingly hear of an Upper-House, consisting of the Peers of the Church, whose grave Authority gives life to the motions of that Lower-body.* The great difference he observes between a meeting of Puritanical and Episcopal Presbyters, is, that in the first the Springs of all their motions are within their own Body, the second moves in subordination to the Upper-House and is acted by the grave Authority of the Bishops. But the giving life to the Motions of that Lower-body, must, in this Author's Construction, have reference to Synodical Decrees, Censures, and Punishments; as if it were not much more natural, to speak of the motions of the Clergy as immediately enliven'd upon the first hearing the Pleasure of their Bishops, than upon an indecent supposition of their Backwardness, to suggest a necessity of enforcing obedience by Canonical Censures. They then act suitably to their own Principles, and like Presbyters of an Episcopal Church, when they move readily and cheerfully under the direction of their Metropolitan and Bishops.

This

This is enough, to show the Vanity of that Comparison they make between the Archbishop and the Prolocutor in point of *Presidency*, the first in the Upper-House, and the second over the Inferior Clergy. Both the Prolocutor and the Lower-House act in subordination to the *Archbishop* at the head of his Suffragans; who sits there *President* of both Houses, and whose right I have shown (in virtue of that Character as well as his other of *Metropolitan*) to much greater degrees of Authority in his Convocation, than they are yet willing to acknowledge.

Thus far all the Arguments of the *Answer* and *Narrative* in favour of separate Continuations (whether from *Registers*, or the *Reason* of the thing) have been distinctly consider'd, and I think I may add, sufficiently confuted: Not always in the same Order, as they lay in these Writers; but in a Method, which I take to be somewhat more natural upon a Question, about the Continuations of an *English Convocation*; viz. by explaining the *Schedule of Continuation*, with the several Steps and Circumstances in the *Execution* of it; and removing all Objections as they came in my way, and fall under the particular Heads of that Historical Deduction. For by this means, you see the *Law* of Continuations, and the more *Substantial* parts of the Cause; the light whereof these Writers thought fit to conceal, that their Misinterpretations of little Circumstances might pass undiscover'd. But tho' there was an evident necessity of *altering* the Method, this will not deprive you of the Benefit of *Comparing*; for which I have provided all along by exact References to the Passages in both Books, as they came under Consideration. And I wish it were not too unreasonable a Trouble, to desire the favour of such a *joynt* Consideration of the several Arguments offer'd on both sides; at least, in the more material Parts of the Cause.

In the first Letter, among many *positive* Testimonies of his Grace's Right, you meet with two *negative* Proofs; one, from our finding no Colour or Footstep of the present Claim in the Convocation-acts before the Reformation; another, because no such Claim was ever heard or thought of by the *Oldest Convocation-Men* now living. Let. 1. p. 3. c. 1.

Against the first of these, the Silence of the ancient Registers, he excepts; because it cannot be expected that the Upper-House-Books (for the Archbishop's Registers are no more) should afford a Clear Proof of the Powers and Privileges of the Lower Clergy. Answ. p. 21. c. 1. The Silence of the ancient

Registers,
an Argu-
ment a-
gainst the
Claim of
the Low-
er-House.

Clergy. Nor did I speak of a *clear Proof* from thence, but only some *Colour or Footsteps* of the present Claim: And many such might be reasonably expected in the Books of the Upper-House, if the Lower had then enjoy'd this Right of Separate Prorogations. We might (for Instance) expect to find the Continuations Above, in Terms not to be fairly extended *beyond* the Members of the Upper-House; or to meet with Resolutions laid before the Bishops which could be presum'd at least to have pass'd at *Intermediate* Meetings upon their own Adjournment; or, at least, when the Lower-House were Continu'd in the *Upper*, to hear the Archbishop *asking* or the Clergy *giving their Consent*; which must have been done, upon a Supplication of this *Inherent Right* to Adjourn themselves, or even of their having a *Negative* in his Grace's Adjournments. These, not to mention more, might have been reasonably expected; and no such Instances appearing (neither Continuations so limited in the Terms, nor Resolutions so pass'd, nor any such Consent ever askt or given) the *Silence* of the Registers is a fair *presumption* against Separate Continuations, at that time. This Author indeed produces some few Testimonies from thence, but they are particularly consider'd and answer'd in their proper places. And if the *Language* and all the *Circumstances* of the Acts before the Reformation, were not *against* their new Claim, they could have no other Reason to deny their Authority in the present Cause; since the Statute of *Submission* (as is fully prov'd before) wrought not the least Change in the *Methods* of *Holding* a Convocation.

Ans. p. 21.

c. 2.

The oldest Convocation-Men now living remember nothing of Separate Continuations.

To prevent any Mischief from *living* Testimonies, he has laid all the *Members* asleep from 1664. to the *last* Convocation (when several of the Lower-House *awak'd* with an unusual *Vigour* and *Spirit*.) But he must not offer to perswade us, that Dr. Halton, Dr. Beveridge, and Dr. Bull (some of the oldest now living) are such supine or unobserving Men in Ecclesiastical Affairs: The first, particularly, was a Member in 1661. and, if I mistake not, of every Convocation since; and is well known not to *sleep over any Privileges* that belong to the Church or Clergy. It was therefore an *unjust*, as well as rude Suggestion, that these and so many other eminent Persons have been *dreaming* over a Business which so nearly concerns the Honour and Interest of the Church. But he foresaw, if care was not taken to lay these Men asleep, what Inconveniences might arise from their

their *Memory and Observation*: That, supposing them awake, they could not but have remember'd one Instance at least of the Exercise of a Right, pretended to be so known and familiar, and so necessary withal to the Debates of the Inferior Clergy: That, under the want of Registers, it would be natural to take our Measures of the Convocations *before* the Civil Wars, from Men who convers'd and sat with several of these *Old Members*, upon the Restoration and some Years after: That, if the Archbishop should appear to have been at least in *possession* of this Right ever since the Restoration, the present Lower-House would be under some difficulty, to justify the taking up a *contrary Practice*, before the Cause could be heard and determin'd: Especially, the turning his Grace out of that Possession, without either replying to the Reasons of the Upper-House, or offering their own when requir'd, might seem humorous and unaccountable, upon a supposition that the Notion was wholly *new* to the oldest and most experienc'd Members. For in Law and Reason, all the Presumptions constantly run in favour of *Possession*; which is ever reputed a good Title, till a full Hearing and Testimonies produc'd on both sides, discover the contrary.

As to the *Irish Convocation*, no Records remain there to give as any knowledge of the Proceedings of their *Lower-House*, besides what we gather from the Clergy's correspondence with the *Upper*; in the Registers whereof, I can assure him, there are no marks of such *separate* Continuations. And he must, under this want and silence of Records, excuse us from laying any stress upon his *living* Evidence, while he remains single and unknown. However, if our Author found a necessity of extending his searches beyond *this* Province, it had, methinks, been natural to enquire first in that of *York*, upon account of the correspondence it has held in all Business of Moment with this of *Canterbury*. But there he would have found no Encouragement, either in *Memory* or *Records*, to pursue the late Claims and Practices; and so much, I believe, he very well knew.

Dr. *Heylin*, it seems, in certain Extracts out of the Upper-House Books, frequently expresses the Continuations thus, *The House Adjourn'd*: And, says this Author, 'his Opinion is of weight, because he liv'd when the Records of both Houses were entire, and is known to have understood *Convocation-matters* better than any Man of his Time.' I perfectly agree with him in the Character of Dr. *Heylin*, and wish that himself had happen'd to re-

Answ. p.
21. c. 2.

Ibid.
Dr. *Heylin*
misinter-
preted.

Vide *sup.*
page 109.

member it, when he excepted against his Authority in a Convocation, of which the Doctor was actually a Member. But nothing to the present purpose can be infer'd, either from the Extracts he made, or from the knowledge he had in Convocation Affairs; only that he (like all other Men, great and small, who make Extracts) express'd the *Forms* in the *fewest* Words he could contrive; and among these, that which occur'd most frequently, and did therefore most of all require a *short* Hint to imply it, was this of *Continuation*. He says, the Form of Continuation was *Translated* by him; but Dr. Heylin was not so weak a Man, to *Translate at length a form* every day repeated, when he was only *abbreviating* the *Matter* it self. The Controversy must be come to a low Ebb, on the side than can offer such an Argument with so much Gravity: but I am forc'd to follow him, upon the Promise I gave you to leave nothing unconsider'd. Which is the only reason why I take notice of his next Paragraph concerning a Committee appointed in 1689, to consult the Registers about the sending up Messages by the Prolocutor and none else. I found by the Acts, that such a Committee was appointed; and having in the first Letter laid down the *Heads* of the several Proofs upon which I have enlarg'd in this, I added that of the Committee to inspect the Registers, as a presumption at least, that the Lower Clergy of that time could not have *overlookt* this Right to *separate Adjournment*, had the Books been so clear in it, as some of the present Members pretend.

Answ. P.
22. c. 1.

Answ. P.
22. c. 2.

He thinks the *Temper* and *Decency* with which they have manag'd this Dispute to be very Remarkable; and fears that their Friends, when they come to peruse the *Account of their Proceedings*, will be of opinion that they have rather stoop'd too much than too little. Their *Way* of Managing this and other Points, will be set forth shortly by another Hand, in an *Answer* to the *Narrative* lately publisht: and that may show us, upon whom the frequent changes of *Questions* and the *slights* he speaks of, are justly chargeable. In the mean time, I hope this Reply may help to convince his Friends, that they have not been oversparing in their Claims upon this one point of *separate Continuations*. And (to do further what in me lies, to skreen him from the resentments of the Clergy) I may hereafter show out of the Acts of former Convocations, in how many Instances (not once thought of by their Predecessors) they have attempted with no little zeal, to *Enlarge* the Privileges of the Lower House.

He

He observes well, that *the surest hold of the Bishops is in the Hearts* *Ibid.* of their Clergy: And it will appear (when the grounds of their Lordships late Proceedings come to be rightly understood) that they could have done no one Thing that more deserves the Thanks of an *Episcopal Clergy*, than such a steadfast Opposition to Measures, evidently tending to the destruction of *Episcopacy*.

At the beginning of the *first* Letter, I excus'd my self (as a *private Man*) from saying any thing that might lead to the *Springs* of these unhappy Differences, (for if there be any Truth in the Common Opinion, they were much fitter to lay hid.) But even This (Innocent as it was) does not escape his Censure; tho' I take my self to have acted a far more modest part in declining the true Account, than this Author has done by giving a false one, in a course of bold Reflections upon Persons of the highest Rank in Church and State.

He begins: *When the Clergy met in 89, a new sort of License was* *Ibid.* by some Body's Advice and Connivance put upon them. It is well known, that the Right Honourable the Earl of Nottingham, then one of His Majesty's Principal Secretaries of State, brought this License to the Convocation, and that the Right Reverend the Bishop of London, as *President*, receiv'd it; and if the Reflection Center (as it seems to do) in these two honourable Persons, the first as *Advising*, the second as *Conniving*; the Author may do well to consider betimes what Satisfaction he shall be able to make for such a publick Scandal.

The next provoking Step, was the Clergy's not *sitting* and *act-* *Ibid.* ing with every Parliament. How far they have a *Right* in Law to be *summon'd* with every Parliament, is a Question still depending: But now it is no Question, whether the Writer of the Book he complains of, had not Reason to suggest certain *Inconveniences* that would attend their coming together at this time; nor, Whether they, whoever they were, that are now accus'd of *consenting* to the Intermissions complain'd of, did not judge right, That, till another *Temper* appear'd, the Clergy's Attendance upon their respective *Cures*, would be more for the real Service of our Church and Religion. If I certainly knew the Persons who were in such *Measures*, and foretold at that distance what has lately come to pass; it would much increase my Opinion of their *Wisdom*, and *Forefight*, and *Concern for the Church*; at least, till we can see some more desirable Effects of a *sitting Convocation*, than the late Proceedings give us cause to expect in the present

Circumstances. The Reflection publickly cast on many wise Men (That they were Enemies to *Convocations as such*, only because they fear'd the Effects of their sitting *at that time*) are now, upon this Experience, little credited or regarded: And tho' no Censure is too great for those (if any such there be) who discountenance *Convocations* in general; yet it will be more easily believ'd for the future, that the meeting of the Clergy is not an *Equal Blessing* to the Church, at all *Seasons* and under all *Dispositions*.

Ibid.
The Lord
Chancel-
lor and
the Go-
vernment
unjustly
charg'd
with a *De-
sign* to
drop the
Writ for
the Pro-
vince of
York.

Dr. Ken-
net's An-
swer to
Dr. Atter-
bury,
P. 374.

Thus far, only particular Men are blam'd for *Consenting* to Measures, which appear upon Experience to have been so necessary to the *Peace* and *Unity* of the Church: But his next Sentence improves it into a *form'd Design* of the Government to *destroy* *Convocations*; charging the chief *Minister* and his Officers with stifling the Writ for the Province of *York*. When this Slander was first fixt upon that Great Man, by a Writer then unknown, it was thought an unprecedented Boldness, to bring an honourable Person of that high Station into so unworthy a *Design*; when an easy Enquiry at an *Office* every day open, might have convinc'd him that the whole Suggestion was utterly false. If no regard was to be had to the Eminence of the *Station*, or to his Lordship's known *Wisdom*, *Learning*, and *Candour*; yet the Nature of the Crime, 'In the very Execution of his Office,' with the *publick manner* in which it was charg'd, would (as the Observation then run) have oblig'd a Writer of *ordinary* Caution, to be well assur'd whether his fact were true? especially, where the Enquiry would have cost so little time or trouble. The omission of this, remember, was then thought a great Addition to the Accuser's Guilt, over and above the *Falseness* of the Charge; but to revive it *now*, is a much higher Aggravation; after the World has been so particularly assur'd, That this Writ was actually *seal'd* by the then Lord Chancellor, That (a Receipt first given to his Lordship) it was carry'd back to the proper Officer, *the Clerk of the Crown*; and, That it was lodg'd in the usual place, together with the Writ for the Province of *Canterbury*: When (I say) particular Proofs have been publickly offer'd, that his Lordship and the Officers had entirely done their part, according to the Establish'd Methods, the resuming that groundless Charge could be nothing under *Extream* Malice, or *Infatuation*.

I am come at last to the parting-Request, which he leaves with his Reader, 'That where-ever he mentions the *Bishops*, as opposing the claim of the Lower-Clergy, he would be understood, not of the whole *Bench*, but only of a *large Majority* of them.' And his Reason is, 'Because there are (to their great Honour be it spoken) *several* of that Venerable Body, who have all along in this Dispute *dissented* from the majority of their House; Prelates of great Experience in Church-Matters, and such as have sat longer in their Sees than almost any of their Order.' He may, with Safety, affirm what he pleases about the different *Opinions* and Resolutions in the *Lower House*, the Acts whereof (if yet they be any more than *Minutes*) remain in a private Hand, by an Order of the House at one of their *Intermediate* Sessions. But the Register of the Bishops (which during the Convocation was all along fram'd into *Acts*, and the Proceedings of the foregoing Session distinctly read at the opening of the next) is deposited in the publick Office at *Doctors Commons*, to be freely view'd as a Record. In which I find not any Marks of their Lordships *differing* in their Resolutions, before the 13th Session, nor after the 15th. Whereas he might have known from their own *Narrative* (p. 29.) that their Lordship's Reasons against this very Claim of *separate Continuation* were pass'd, and deliver'd to the Lower House in the 10th Session. After the 15th Session, their Proceedings appear to have been *unanimous*: And how then could this Author say, against the Authority of their own Register, that *there are several of that Venerable Body who have all along in this Dispute dissented from the Majority of their House*? This, to use his own Words, can only be grounded upon *some little Stories that have been whisper'd about to the Prejudice of their Lordships*.

The Three Members of the Upper-House dissenting in these few Instances, are describ'd by this Author under the distinguishing Mark of *having sat longer in their Sees, than almost any of their Order*; whereby (according to his own Interpretation) he has only given them a deeper share in the guilt of *sleeping over the Convocation-Privileges*, than the rest of their Brethren. A Reflection, level'd more immediately against the *Upper House*, where many have been a *long time* Members of Convocation; and I hope it will be some way resent'd, if not upon a *general Account*, at least for the sake.

Ans^r.
p. 23. c. 2.
Differen-
ce in Opi-
nions fal-
sly charg-
ed upon
the Bi-
shops a-
gainst
their own
Register.

ake of an *honorable* Prelate, whose concern in the Affairs of Convocation has been more *particular* than that of the rest, in constantly summoning the Clergy as Dean of the Province, and personally *Presiding* in that of 1689.

Let. 1. p. 1.
c. 2.

The
Members
of the
Lower-H.
evidently
differ'd in
Opinion.

That which led him to make this Distinction in the *Upper-House*, was the Caution I gave you against thinking *All* the Members of the *Lower* to be concern'd in that Opposition. For which Caution I had both *Reason* and *Authority* on my side. Several of the Inferior Clergy had protested against this particular Claim and Practice of *Separate Adjournments*; and not being suffer'd to *Enter* it in the Journal of the Lower-House, they declar'd their Persuasion in an *Address* to their Lordships; of whose Register it was thereby made a part. In this Case, the matter of *fact* was evident, that they certainly Dissented; and after they had shown so much Concern not to be thought in the *Measures* of the Majority, how could I in justice speak of those *Measures* without signifying their *Dissent*, at least by a general Intimation? Had it not been rude to *Conclude* them in an Act, against which I knew they themselves had openly *Protested*? The Author of the *Answer* may ascribe this *Dissent* and *Protestation* to what *Motives* and *Influences* he pleases: (these are Slanders that the Supporters of *Monarchy* and *Episcopacy* have always felt; and the *Character* of the Persons shows the *Malice* of it in *this* Case:) But he shall never persuade me, against common Experience and Observation, that these Influences he means have so strong a Command over the *Judgment*, or inspire Men with so much *Zeal* and *Eagerness*, as the Charms of a *Cause* and a *Party*; especially when form'd in Opposition to Government.

I have now done with the *Answer*; my Reply to which has run out to this unexpected Length, partly by taking in the Consideration of the *Narrative*, as far as it relates to *Continuations*, but chiefly by a distinct Explication of the *Schedule* and the manner of *Executing* it; these two being our principal *Guides* in the present Cause.

Answer to
the Pub-
lisher of
the Nar-
rative.

There is a third Author (the *Publisher* of the *Narrative* whose Preface is writ on purpose to expose what (in his way) he calls the *Falsities*, *Prevarications*, &c. of the *Letter*. have clear'd it from several of his Objections already, in my Proofs, That the Archbishop's Power, as *Metropolitan* and

Pro

President, is much more considerable than He or his Friends are willing to allow, Pag. 118, 125. That his Observation from the Diocesan Synods, is not to the purpose, Pag. 123. That their sitting in a *Civil*, as well as *Ecclesiastical* Capacity, is an avow'd Distinction of their own, Pag. 120. That I charge them no otherwise with Continuing to a day *beyond* the Archbishop's, than as they themselves assert it, *i. e.* from their producing a Precedent, Pag. 76. That I infer nothing from the Committee in 1689. but what the Register it self will fairly warrant, Pag. 130. That *Prolocutor intimavit* is the Current Style of the Authentick Journals, Pag. 32. That the Archbishop has a Right to appoint Committees of the Lower-House, Pag. 83. That he has also a Right, as to require their Consideration of Business, so also to prescribe the Time of returning their Answers, Pag. 83. All these are distinctly consider'd in several parts of this *second* Letter, with immediate reference to the *Publisher's* Preface. The rest of his Exceptions don't so much affect the *Matter* of the Letter, as the *Writer* of it; but I am no otherwise mov'd by his indecent and rude Treatment, than as it shows that a Person in Holy Orders can so far forget his *Character* and *Function*. He may make as many general Reflections as he pleases upon my *Conceiving Faculty*, and my *Reasoning Faculty*: If Pref. p. 10. they have done their Duty on this *particular* Occasion, it is enough.

He much admires, that the first Letter should be commend- Pref. p. 4.
ed for the *good Manners* and *Temper* of it, as if 'twas to be a pat- The Tem-
tern for ever to all *Writers of Controversie*. I thought of nothing per of the
less than it's being a *Pattern*; but endeavour'd in that (as I first Let-
have done all along in this) to write with such *Seriousness* and ter defen-
Temper as was due to a Subject, in which the Peace of the ded.
Church at this time is so nearly concern'd. And that *Inoffen-*
sive way might have entitl'd me to Names of less *Contempt*
than those which the *Answer*, and the *Publisher* of the Narra-
tive, ordinarily allow, The *Letter Writer*, the *Sheet Writer*,
and the *Sheet Author*: But odd Names are so appropriated to
the worst sort of *Railing*, that no Provocation shall ever force
me to a Return. The Preface takes notice of the honourable
Mention I make of certain Members dissenting from the Rest, as
a breach of that *Temper* and *good Manners* ascrib'd to the Let-
ter.

ter. It is so, with the Addition of *his* Comment, That the giving such qualities to these, implies the *want* of them in their Brethren. But I neither intended that, nor is any thing like it fairly Collected from the Words. There was occasion to mention these worthy Persons; and that naturally led me to add the *Character* justly due to them, without the least design to reflect upon the Rest.

Pr. p. 7.
The 1st
Letter de-
fended a-
gainst the
charge of
begging the
question.

Let. 1. P.
3. c. 2.

The next thing I am charg'd with, is *begging the Question*; which he calls *Slurring Propositions which make for me, upon the Reader, for uncontested Truths*: an expression, not unlike some others that have fal'n from this Writer; as, my *patching up a sad long Story, The bluster which that little Paper made in the World, The Convocation's forgetting to break up School against Christmas, My Letters going with a How d'ye to my Friend in the Country*: A sort of *Flowers*, that could not be less ornamental any where, than upon so grave a Subject handl'd by a Person in holy Orders. But to let the Expressions pass, and return to the Thing: If he mean by *begging the Question*, that I laid down several Assertions without expressly proving them; it is very true: because I knew not *then*, what would be deny'd or stand in need of Confirmation; and therefore gave you and your Friends a *Title to call me to particular Proofs* as you should see Occasion. The Positions relating to *Adjournments* (all, I mean, that the *Answer* or *Narrative* question) are made good here, in their proper Places; and the like Justification of what I affirm'd upon *other* Heads, shall follow in due time. And then, this Author will see, that those Assertions in the *Letter* stood single, not for want of Testimonies at Hand, but only till it should appear whether there was *occasion* for them; that is, which of the Positions would be own'd, and which deny'd. But lest the *length*, of this State upon one single Point, should make you uneasy under the Expectation of more; this may be your comfort, that the *other* controverted Points will be sufficiently explain'd in a *narrower* Compass. The Instances relating to the rest, are not near so often repeated in the Registers, nor attended with that *variety* of Circumstances; which gave some late Writers an Opportunity, that they have not neglected, to *Perplex* and *Entangle* this Subject.

In that way of Arguing (the laying hold, I mean, of little *Circumstances* and *Expressions*; and then explaining them *separately* from the *Substance*, and in a sense contrary to the known Language of Convocation) we must not hope to see an *End* of this or any other Controversy. If therefore the Author of the Answer will pretend that this state of the Case is unjust, either in *Fact* or *Consequences*; let him not cavil at *remote Circumstances*, but first prove me mistaken in the most *material* Points, those upon which the several Heads of the Dispute turn; and when that is done, he's at Liberty to examin the rest as nicely as he pleases. Let me request, for instance (what I know you will agree to be a *Reasonable* request) That before he pursue his Reasonings from the *nature* and notion of a *House*, he will show some *Law* or *Authority* assigning to a *House* the Definition and Properties he speaks of, and not expect that *Consequences* will be receiv'd, when built only upon Definitions of his own making: That in his further Enquiries, whether the Archbishop's Summons be *Authoritative*, he will first try how his notion of its being *purely Ministerial* may be reconcil'd to the Terms of the *Mandate*, and to the Dean of the Province's *Certificatorium*, which declares the Execution of it in every particular to be *in virtue* of his Grace's *Authority*; and lastly, to the *Returns*, made by all the other Suffragans immediately to his Grace, and *ultimately* lodg'd in the Office of his Seè: That he will not strain the Statute, 25 *Henry* the 8th, c. 19. to a sense so much to the Diminution of the *Rights* and *Liberties* of the Church, till he make that sense (for which he so *Uncanonically* pleads) appear in some remarkable *Changes* thereupon, either in the form of his Grace's *Summons*, or the Method of *Executing* it, or the manner of *opening* and *holding* his Convocations: That the next occasion he has to cite a favourable Clause from the Archbishop's *Mandate*, he will acquaint us (as a *fair Writer* would have done at the first) where that *unusual* Copy may be seen; if he think it fit to come under examination: That he will do us the same favour, when he argues from the Proceedings of the Clergy of both Provinces, met upon a special *Commission* from the King, to those of a *regular Convocation* of the Province of *Canterbury*: That in explaining the *Schedule of Continuation*, he will show why the Terms *Convocatio Prælatorum et Cleri*, *Sacra Synodus*

The Author of the Answer desired in case he Reply, not to omit the consideration of the most material Heads.

five Convocatio Provincialis, which on all other Occasions include both Houses, must mean the Upper only in an Instrument sent down immediately to the Lower? Or, if they be not included in his Grace's Continuation, but adjourn themselves by an Inherent Power of the House, let him show why they have been always govern'd by the Terms of his Grace's Act above? why they were included in the *Conditions* and *Limitations* occasionally made in it? And, why they met punctually at his Grace's Day and Hour, when there was no *formal Continuations* in the Lower-House: Which will also naturally lead him, to oblige us with some good Reason, why that *Inherent Power* gives them a Right to *Intermediate Days*, but yet leaves them under a strict *Obligation* to observe the time of his Grace's Adjournments? And how the Instance of May 5th, in the first Convocation of 1640, becomes a good Proof of their Right to *Intermediate Adjournments*, without inferring a further Right to Continue beyond his Grace's Prorogation?

When he explains the Prolocutor's *Intimation*, he will be pleas'd to show, why *That* (recited out of a Schedule, which is sign'd by his Grace, attested to be his Act, and sent down immediately to the Prolocutor) must not yet be thought an *Intimation* of his Grace's Act Above? Especially, when the Journals explain their own meaning, and say expressly that *Continuations* were made and *Intimations* given in the Lower-House by the *Command* and *Order* of the Archbishop. Or, if he will continue to affirm (against all propriety, and the Sense of the Word in our Convocation-Acts) that the thing *Intimated* is the *Resolution* of the House; it may in reason be expected, that he produce some Testimonies of the Prolocutor's *Suspending* that *Intimation*, till the *Consent* of the House was *askt* or *given*.

You observe, in the several Parts of this Letter, many other *Difficulties* attending the new Schemes and Notices of this Author; for which he will be bound to account, he appear again in his own Vindication. But these that have mention'd, more immediately affect the Controversy at Hand, and therefore call for a *plain* and *distinct* Consideration, however he think fit to dispose of the rest. I will add but one Request more, about his *manner* of Arguing and Inferring, viz. That he will allow the Words of

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October
170

Page
Pro
p. 64. l. 1.
l. 32. it

exact *Journal* an Authority in Points of *Form*, that belongs not to the short Hints of *Minutes* wherein the *Forms* are not regarded: And, that he will no more desire us to interpret the express Language of such Journals, in *congruity* to any Sense that he shall please to fix upon the dubious Expressions of the *Minutes*. Especially, when that Interpretation is not only different from the plain meaning of full and authentick *Acts*, but directly *opposite* to it, and inconsistent with the established Rules and Practice of Convocation.

I am,

October, 1.
1701.

Sir,

Your affectionate Servant.

E R R A T A.

Page 36. line 27. *comply with*, p. 38. l. 39. *Continuationis pro*
Prorogationis, p. 43. l. 7. *so constituted*, p. 44. l. ult. *ut scitis*,
p. 64. l. 18. *del. those*, p. 70. l. ult. *to the joint declaration*, p. 71.
l. 32. *it was*, p. 90. l. 1. *it has in determining*.

...an Author is Point of View, that belongs to
the Point of View of the Author, and is not to be
... that he will no more be able to interpret the
... of such Journals, in consequence of any
... to be on the dubious questions of the
... that Interpretation is not only
... of full and authentic
... and inconsistent with the classical
... of Civilization.

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E R R A T A

The 2d. line of column with p. 22. l. 29. Continuation for
... p. 43. l. 7. to continue p. 44. l. 1st in foot.
... p. 20. l. 1st in the first column, p. 21.
... p. 22. l. 1. is in the following.